



GAUCANAGAH	PONTIAC	BLACK HAWK
MONTZUMA	CAPTAIN PIPE	SZORUX
QUAMOTZIN	LOGAN	SACAGANWA
POW-HATAN	CORB-PLANTER	BENITO JIMBEZ
POCAHONTAS	JOSEPH BRANT	MANGUS
SAMO SET	RED JACKET	COLORADO
MASSASOIT	LITTLE TURTLE	LITTLE CROW
KING PHILIP	TECUMSEH	SITTING BULL
UNCAS	OSCEOLA	CHIEF JOSEPH
TEDYUSKUNG	SEQUOIA	GERONIMO
	SHABONTE	

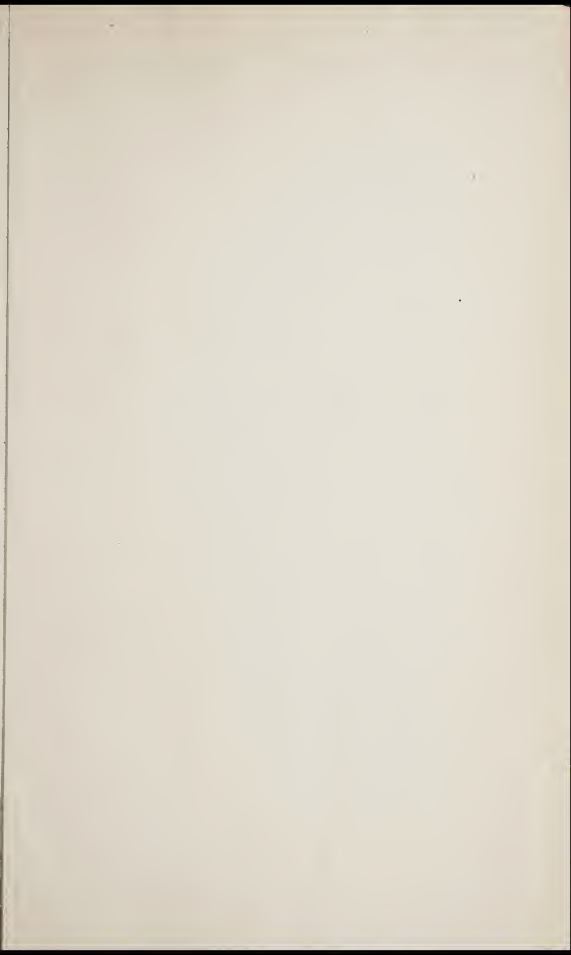


TO PERPETUATE THE HISTORY
AND DEVELOPMENT OF THE
PEOPLE REPRESENTED BY THE
ABOVE CHIEFS AND WISE MEN
THIS COLLECTION HAS BEEN
GATHERED BY THEIR FRIEND
EDWARD EVERETT AYER

AND PRESENTED BY HIM
TO
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1911









TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIPPEWA NATION OF INDIANS.

CONCLUDED JANUARY 23, 1838—RATIFIED JULY 2, 1838.



Apr 8 1945



MARTIN VAN BUREN,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting :

WHEREAS, a treaty was concluded at the city of Saganaw, in the State of Michigan, on the twenty-third day of January, eighteen hundred and thirty-eight, between the United States of America, by Henry R. Schoolcraft, commissioner, and the several bands of the Chippewa nation of Indians, comprehended within the district of Saganaw; which treaty is in the following words, to wit :

Articles of a treaty concluded at the city of Saganaw in Michigan, on the twenty-third day of January eighteen hundred and thirty-eight, between the United States of America, by the undersigned commissioner, and the several bands of the Chippewa nation comprehended within the district of Saganaw.

Whereas the chiefs of said bands have represented, that combinations of purchasers may be formed, at the sale of their lands for the purpose of keeping down the price thereof, both at the public and private sales, whereby the proceeds would be greatly diminished; and whereas, such a procedure would defeat some of the primary objects of the cession of the lands to the United States, and thereby originate difficulties to their early removal and expatriation to the country west of the Mississippi; and whereas full authority has been given to the undersigned, respectively, on the part of the United States and the said bands, to conclude and settle every question connected with the sale and cession aforesaid: Now therefore, to the end, that justice may completely ensue, the objects of both the contracting parties be attained, and peace and friendship be preserved with said tribes, it is mutually agreed as follows:

ARTICLE 1st. The lands ceded by the treaty of the 14th of January 1837, shall be offered for sale, by proclamation of the President, and the sale shall be conducted in the same manner as the laws require other lands to be sold. *But, it is provided,* That all lands brought into market, under the authority of said treaty, shall be put up for sale by the register and receiver of the respective land office, at five dollars per acre, which is hereby declared to be the minimum price thereof; and if this price is not bid the sales shall be stopped: nor shall any such lands be disposed of, either at public or private sales, for a sum less than five dollars per acre, for, and during the term of two years from the commencement of the sale. Should any portion of

said lands remain unsold at the expiration of this time, the minimum price shall be diminished to two dollars and fifty cents per acre, at which price they shall be subject to entry until the whole quantity is sold: *Provided,* That if any part of said lands remain unsold at the expiration of five years from the date of the ratification of this treaty, such lands shall fall under the provision of third article of this treaty.

ARTICLE 2nd. The survey and proclamation of sale shall apply, as well to the reserves on the river Angra, and at Rifle river, of which said Indians are to have the usufruct and occupancy for five years, as to the other lands ceded: but the sales shall be made subject to the incumbrance of such right of occupancy by the Indians, nor shall any lands thus sold be entered upon, until the full end and term of said five years, without the consent of said Indians, publicly obtained, at the office of the proper superintendent, agent, or sub-agent, of such tribe or band; which consent shall be expressed by the certificate of such officer, delivered to the purchaser. And to enable such officer to act understandingly, in the discharge of this duty, a plat of the survey of such reservations, shall be furnished for the use of his office.

ARTICLE 3rd. To provide against the contingency of any of said lands remaining unsold, and to remove any objections to emigrating, on the part of the Indians, based on such remainder, it is hereby agreed, that every such section, fractional section, or other unsold remainder, shall, at the expiration of five years from the ratification of this treaty, be sold for such sum as it will command, *Provided,* That no such sale shall be made for less than seventy-five cents per acre.

ARTICLE 4th. Should the said Indians agree to emigrate, and give up their reservations on the west shores of Saganaw bay at any time during the first period of sale herein before mentioned, they shall receive from the United States the minimum price per acre, fixed for said period, and if

during the second period, the minimum price for the second period.

ARTICLE 5th. This treaty shall be binding from the date of its constitutional ratification; but its validity shall not be affected by any modification, or non-concurrence of the President and Senate, in the third and fourth articles thereof.

In testimony whereof the undersigned, Superintendent of Indian Affairs and commissioner on the part of the United States, and the chiefs and delegates of said bands, have hereunto set their hands, and affixed their seals at the city of Saganaw on this twenty-third day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-second year.

HENRY R. SCHOOLCRAFT, [L. S.]
Commissioner.

Ogima Keegido,	his x mark. [L. S.]
Mo-cuck-koosh,	his x mark. [L. S.]
Oe-quee-wee-sance,	his x mark. [L. S.]
Saw-wur-hoa,	his x mark. [L. S.]
Show-show-o-nu-bee-see,	his x mark. [L. S.]
At-ber-too-quet,	his x mark. [L. S.]

Signed and executed in presence of

Jeremiah Riggs, *Overseer farmer I. D.*
E. S. Williams,
Samuel G. Watson,
Wm. F. Mosely,
D. E. Corbin,
Leon Tremble,
Jas. LaSchoolcraft,
Joseph F. Marsac,
William S. Lee.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-fourth day of April, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, with the following amendments, viz:

"Strike out articles 2d and 4th in the following words:

'ARTICLE 2nd. The survey and proclamation of sale shall apply, as well to the reserves on the river Angraiz, and at Rifle river, of which said Indians are to have the usufruct and occupancy for five years, as to the other lands ceded; but the sales shall be made subject to the incumbrance of such right of occupancy by the Indians, nor shall any lands thus sold be entered upon, until the full end and term of said five years, without the consent of said Indians, publicly obtained, at the office of the proper superintendent, agent or sub-agent of such tribe or band, which consent shall be expressed by the certificate of such officer, delivered to the purchaser. And to enable such officer to act understandingly, in the discharge of this duty, a plat of the survey of such reservations, shall be furnished for the use of his office.'

'ARTICLE 4th. Should the said Indians agree to emigrate, and give up their reservations on the west shores of Saganaw bay, at any time during the first period of sale herein before mentioned, they shall receive from the United States the minimum price per acre, fixed for said period, and if during the second period, the minimum price for the second period.'

"Change articles 3d and 5th to read article 2d, and article 3d."

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, the second day of July, one thousand eight hundred and thirty-eight, and of the Independence of the United States, [L. S.] the sixty-second.

M. VAN BUREN.

By the President:

JOHN FORSYTH,
Secretary of State.

44

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

FIRST CHRISTIAN AND ORCHARD PARTIES

OF THE

ONEIDA INDIANS.

CONCLUDED FEBRUARY 3, 1838—RATIFIED MAY 17, 1838.

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twelfth day of May, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this seventeenth day of May, one thousand [L. s.] eight hundred and thirty-eight, and of the Independence of the United States the sixty-second.

M. VAN BUREN.

By the President :

JOHN FORSYTH,
Secretary of State.

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE IOWAY TRIBE OF INDIANS.

CONCLUDED OCTOBER 19, 1838; RATIFIED MARCH 2, 1839.





MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting:

WHEREAS, a treaty was made at the Great Nemowhaw sub-agency, between John Dougherty, Agent of Indian Affairs, on the part of the United States, being specially authorized, and the chiefs and headmen of the Ioway tribe of Indians for themselves, and on the part of their tribe, on the nineteenth day of October, one thousand eight hundred and thirty-eight; which treaty is in the words following, to wit:

Articles of a treaty made at the Great Nemowhaw sub-agency between John Dougherty Agent of Indian Affairs on the part of the United States, being specially authorized, and the chiefs and headmen of the Ioway tribe of Indians for themselves, and on the part of their tribe.

ARTICLE 1st. The Ioway tribe of Indians cede to the United States, First. All right or interest in the country between the Missouri and Mississippi rivers, and the boundary between the Sacs and Foxes, and Sioux, described in the second article of the treaty made with these and other tribes, on the 19th of August 1825, to the full extent to which said claim is recognised in the third article of said treaty, and all interest or claim by virtue of the provisions of any treaties since made by the United States with the Sacs and Foxes of the Mississippi.

Second. All claims or interest under the treaties of August 4th 1834, July 15th 1830, and September 17th 1836, except so much of the last mentioned treaty as secures to them two hundred sections of land the erection of five comfortable houses, to enclose and break up for them two hundred acres of ground to furnish them with a ferry boat, one hundred cows and calves, five bulls, one hundred head of stockhogs a mill and interpreter.

ARTICLE 2d. In consideration of the cession contained in the preceding article, the United States agree to the following stipulations on their part.

First. To pay to the said Ioway tribe of Indians the sum of one hundred and fifty-seven thousand five hundred (\$157,500) dollars.

Second. To invest said sum of one hundred and fifty-seven thousand five hundred (\$157,500) dollars, and to guaranty them an annual income of not less than five per cent. thereon during the existence of their tribe.

Third. To set apart annually such amount of said income as the chiefs and headmen of said tribe may require, for the support of a blacksmiths shop agricultural assistance, and education to be expended under the direction of the President of the United States.

Fourth. To pay out of said income to Jeffrey Derroin interpreter for said tribe for services rendered, the sum of fifty dollars annually during his natural life the balance of said income shall be delivered,

at the cost of the United States, to said tribe of Ioway Indians in money or merchandise at their own discretion, at such time and place as the President may direct, *Provided always* That the payment shall be made each year in the month of October.

ARTICLE 3d. The United States further agree in addition to the above consideration to cause to be erected ten houses at such place or places on their own land as said Ioways may select, of the following description (viz) each house to be ten feet high from bottom sill to top plate eighteen by twenty feet in the clear the roof to be well sheeted and shingled, the gable ends to be weather boarded a good floor above and below, one door and two windows complete, one chimney of stone or brick, and the whole house to be underpinned.

ARTICLE 4th. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In witness whereof the said John Dougherty agent of Indian affairs and the undersigned chiefs and headmen of the Ioway tribe of Indians have hereunto set their hands this 19th day of October A. D. 1838.

JNO. DOUGHERTY,

Frank White Cloud,	Ind. Agt.
Non-gee nunga, or No Heari,	his x mark.
Kon-gee, or the Plam,	his x mark.
Mock Shig a-ton-ah, or the Great Man,	his x mark.
Wah ann gaa school ny, or He that	
has no Fear,	his x mark.
Seenah ty yna, or the Blistered Foot,	his x mark.
Rahno way ing ga, or Little Pipe,	his x mark.
Thraw ing ga, or Little War Eagle,	his x mark.
Pak she ing ga, or the Cocked Nose,	his x mark.
O yaw tche a, or Heard to Load,	his x mark.
Ro to gra zey, or Speckled Rub,	his x mark.
Mah za, or the Iron,	his x mark.
Ta-ro-hah, or Pile of Meat,	his x mark.

Done in presence of—

Anthony L. Davis, Ind. sub-agt.

Vance M. Campbell,

James M. Croope,

his

Jeffrey x Derroin, Interpreter.

mark.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in

pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eight day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight
[L. s.] hundred and thirty-nine, and of the Independence of the United States
the sixty-third.

M. VAN BUREN.

By the President :

JOHN FORSYTH, *Secretary of State.*

Nov 6. 1838 - Miami

cto 96.

(10)

86

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

MIAMI TRIBE OF INDIANS.

CONCLUDED NOVEMBER 6, 1838; RATIFIED FEBRUARY 8, 1839.





MARTIN VAN BUREN,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting:

WHEREAS, a treaty was made and concluded at the Forks of the Wabash, in the State of Indiana, between the United States of America, by her Commissioner, Abel C. Pepper, and the Miami tribe of Indians, on the sixth day of November, in the year of our Lord eighteen hundred and thirty-eight; which treaty is in the following words, to wit:

Articles of a treaty made and concluded at the Forks of the Wabash in the State of Indiana, between the United States of America, by her Commissioner Abel C. Pepper, and the Miami tribe of Indians on the sixth day of November in the year of our Lord eighteen hundred and thirty-eight.

ART. 1. The Miami tribe of Indians hereby cede to the United States all that tract of land lying south of the Wabash river and included within the following bounds to wit: Commencing at a point on said river where the western boundary line of the Miami reserve intersects the same, near the mouth of Pipe creek; thence south two miles; thence west one mile; thence south along said boundary line, three miles; thence east to the Mississinewa river; thence up the said river with the meanders thereof to the eastern boundary line of the said Miami reserve; thence north along said eastern boundary line to the Wabash river; thence down the said last named river with the meanders thereof to the place of beginning.

The said Miami tribe of Indians do also hereby cede to the United States, the three following reservations of land made for the use of the Miami nation of Indians by the 2d article of a treaty made and concluded at St. Mary's in the State of Ohio, on the 6th of October 1818 to wit:

The reservation on the Wabash river, below the forks thereof:

The residue of the reservation opposite the mouth of the river Abonette:

The reservation at the mouth of a creek called Flat Rock, where the road to White river crosses the same.

Also one other reservation of land made for the use of said tribe at Seek's village on Eel river, by the 2d article of a treaty made and concluded on the 23d October 1826.

ART. 2. From the cession aforesaid, the Miami tribe reserve for the band of Me-to-sin-la, the following tract of land to wit: Beginning on the eastern boundary line of the big reserve, where the Mississinewa river crosses the same; thence down said river with the meanders thereof to the mouth of a creek called Forked Branch; thence north two miles; thence in a direct line to a point on the eastern boundary line two miles north of the place of beginning; thence south to the place of beginning, supposed to contain ten square miles.

ART. 3. In consideration of the cession aforesaid, the United States agree to pay the Miami tribe of Indians, three hundred and thirty-five thousand,

six hundred and eighty dollars; sixty thousand dollars, of which to be paid immediately after the ratification of this treaty and the appropriation to carry its provisions into effect; and the residue of said sum after the payment of claims hereinafter stipulated to be paid, in ten yearly instalments of twelve thousand five hundred and sixty-eight dollars per year.

ART. 4. It is further stipulated that the sum of six thousand, eight hundred dollars, be paid John B. Richardville; and the sum of two thousand six hundred and twelve dollars be paid Francis Godfrey; which said sums are their respective claims against said tribe, prior to October 23, 1834, excluded from investigation by the late commissioner of the United States, by reason of their being Indians of said tribe.

ART. 5. The said Miami tribe of Indians being anxious to pay all their just debts, at their request it is stipulated, that immediately after the ratification of this treaty, the United States shall appoint a commissioner or commissioners, who shall be authorized to investigate all claims against said tribe which have accrued since the 23d day of October 1834, without regard to distinction of blood in the claimants; and to pay such debts as having accrued since the said period, shall be proved to his or their satisfaction, to be legal and just.

ART. 6. It is further stipulated that the sum of one hundred and fifty thousand dollars out of the amount agreed to be paid said tribe in the third article of this treaty, shall be set apart for the payment of the claims under the provisions of the fourth and fifth articles of this treaty, as well as for the payment of any balance ascertained to be due from said tribe by the investigation under the provisions of the treaty of 1834; and should there be an unexpended balance in the hands of said commissioner or commissioners, after the payment of said claims, the same shall be paid over to the said tribe at the payment of their next subsequent annuity; but should the said sum so set apart for the purpose aforesaid, be found insufficient to pay the same, then the ascertained balance due on said claims shall be paid in three equal instalments from the annuities of said tribe.

And the said Miami tribe of Indians through this public instrument prohibit to all concerned, that no debt or debts that any Indian or Indians of said tribe may contract with any person or persons, shall operate as a lien on the annuity or annuities, nor on the land of the said tribe for legal enforcement. Nor shall any person or persons other than the

members of said Miami tribe, who may by suffering live on the land of, or intermarry in, said tribe, have any right to the land or any interest in the annuities of said tribe, until such person or persons shall have been by general council adopted into their tribe.

Art. 7. It is further stipulated, that the United States will cause the buildings and improvements on the land hereby ceded, to be appraised, and have buildings and improvements of a corresponding value made at such places as the chiefs of said tribe may designate; and the Indians of said tribe are to remain in the peaceable occupation of their present improvements, until the United States shall make the said corresponding improvements.

Art. 8. It is further stipulated, that the United States patent to Beaver the five sections of land, and to Chapping the one section of land, reserved to them respectively in the second article of the treaty made Anno Domini 1826, between the parties to the present treaty.

Art. 9. The United States agree to cause, the boundary lines of the land of said tribe in the State of Indiana, to be surveyed and marked within the period of one year after the ratification of this treaty.

Art. 10. The United States stipulate to possess, the Miami tribe of Indians of, and guaranty to them forever, a country west of the Mississippi river, to remove to and settle on, when the said tribe may be disposed to emigrate from their present country, and that guaranty is hereby pledged: And the said country shall be sufficient in extent, and suited to their wants and conveniences and be in a region contiguous to that in the occupation of the tribes which emigrated from the States of Ohio and Indiana. And when the said tribe shall have emigrated, the United States shall protect the said tribe and the people thereof in their rights and possessions, against the injuries, encroachments and oppressions of any person or persons, tribe or tribes whatsoever.

Art. 11. It is further stipulated, that the United States will defray the expenses of a deputation of six chiefs or headmen, to explore the country to be assigned to said tribe, west of the Mississippi river—Said deputation to be selected by said tribe in general council.

Art. 12. The United States agree to grant by patent to each of the Miami Indians named in the schedule hereto annexed, the tracts of land therein respectively designated.

And the said tribe in general council request, that the patents for the grants in said schedule contained, shall be transmitted to the principal chief of said tribe, to be by him distributed to the respective grantees.

Art. 13. It is further stipulated, that should this treaty not be ratified at the next session of the Congress of the United States, then it shall be null and void to all intents and purposes between the parties.

Art. 14. And whereas John B. Richardville, the principal chief of said tribe, is very old and infirm, and not well able to endure the fatigue of a long journey, it is agreed that the United States will pay to him and his family the proportion of the annuity of said tribe which their number shall indicate to be due to them, at Fort Wayne whenever the said tribe shall emigrate to the country to be assigned them west, as a future residence.

Art. 15. It is further stipulated that as long as the Congress of the United States shall in its discretion make an appropriation under the sixth article of the treaty made between the United States and said tribe in the year 1826 for the support of the infirm and the education of the youth of said tribe, one half of the amount so appropriated shall be paid to the chiefs, to be by them applied to the support of the poor and infirm of said tribe, in such manner as shall be most beneficial.

Art. 16. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding on the contracting parties.

In testimony whereof the said Abel C. Pepper commissioner as aforesaid, and the chiefs, headmen and warriors of the Miami tribe of Indians, have hereunto set their hands at the forks of the Wabash the sixth day of November in the year of our Lord one thousand eight hundred and thirty-eight.

ABEL C. PEPPER, Commissioner.	
J. B. Richardville,	his x mark.
Minjenickaw,	his x mark.
Paw-lawn-go-aw,	his x mark.
Ne-we-lang-guang-gaw,	his x mark.
O-ran-de-ah,	his x mark.
Wa-u-pa-pin-shaw,	his x mark.
Nac-kaw-guang-gaw,	his x mark.
Kaw-lab-maung-gaw,	his x mark.
Kaw-wab-zay,	his x mark.
To-pe-yaw,	his x mark.
Pe-waw-pc-yaw,	his x mark.
Me-shing-go-me-jaw,	his x mark.
Nac-kon-zaw,	his x mark.
Ne-kon-zaw,	his x mark.
Waw-pe-maung-guaw,	his x mark.
Ching-guaw-ke-aw,	his x mark.
Aw-koo-te-aw,	his x mark.
Ke-mo-te-aw,	his x mark.
Kit-so-aw,	his x mark.
Taw-we-ke-jue,	his x mark.
Waw-paw-ko-se-aw,	his x mark.
Mac-quaw-ko-naung,	his x mark.
Maw-yau-que-yaw,	his x mark.

Signed in presence of—

John T. Douglas, Sub-Agent.

Allen Hamilton, Sec'y to Commissioner.

Daniel D. Pratt, Asst. Sec'y to Commissioner.

J. B. Duret,

H. Lasselle,

Wm. Hulbert.

Schedule of grants referred to in the foregoing treaty article twelve.

To JOHN B. RICHARDVILLE, principal chief,
Two sections of land, to include and command the principal falls of Pipe creek.

Three sections of land, commencing at the mouth of the Salamania river, thence running three miles down the Wabash river, and one mile up the Salamania river.

Two sections of land, commencing at the mouth of the Mississinewa river, thence down the Wabash river two miles and up the Mississinewa river, one mile.

One and one half section of land on the Wabash river at the mouth of Flat Rock (creek) to include his mills and the privileges thereof.

One section of land on the Wabash river opposite the town of Wabash:

All of which said tracts of land are to be surveyed as directed by the said grantee.

To FRANCIS GONFROY a chief one section of land opposite the town of Peru and on the Wabash river.

One section of land on Little Pipe creek, to include his mill and the privileges thereof.

Four sections of land where he now lives.

All which said tracts of land are to be surveyed as directed by the said grantee.

To PO-QUA GONFROY one section of land to run one mile on the Wabash river and to include the improvements where he now lives.

To CATHERINE GONFROY, daughter of Francis Gonfroy and her children one section of land to run one mile on the Wabash river, and to include the improvement where she now lives.

To KAH-TAH-MONO-QUAH, son of Susan Richardville one-half section of land on the Wabash river below and adjoining the three sections granted to John B. Richardville.

To MONO-SO-SAH, son of La Blonde one-half section of land on the Wabash river below and adjoining the half section granted to Kah-tah-mong-quah.

To PETER GOSKY one section of land on the Sixth mile reserve, commencing where the northern line of said reserve intersects the Wabash river; thence down said river one mile and back for quantity.

To MAH-SHIL-GOUN-ME-ZAH, one section of land to include the "Deer Lick," *alias* La Saline, on the creek that enters the Wabash river nearly opposite the town of Wabash.

To O-ZAH-SHUN-QUAH and the wife of Bronillette, daughters of the "Deaf Man" as tenants in common one section of land on the Mississinewa river, to include the improvements where they now live.

To O-ZAH-SHUN-QUAH one section of land where he now lives on the Mississinewa river, to include his improvements.

To WAH-TE-PIN-CHA one section of land on the Mississinewa river, directly opposite the section granted to O-sun-di-ah.

To MAH-SHIL-QUAH one section of land on the Wabash river, commencing at the lower part of the improvement of Old Sally, thence up said river one mile and back for quantity.

To TAH-KO-NONG one section of land where he now lives on the Mississinewa river.

To CHA-PINE one section of land where he now lives on the Ten mile reserve.

To WHITE LOON one section of land, at the crossing of Longlois's creek, on the Ten mile reserve, to run up said creek.

To FRANCIS GORREY one section of land, to be located where he shall direct.

To NEH-WAH-LING-QUAH one section of land where he now lives on the Ten mile reserve.

To LA FOUNTAIN one section of land south of the section he now lives on and adjoining the same, on the Ten mile reserve.

To SHUK one section of land south of the section of land granted to Wa-pa-se-pah by the treaty of 1834 on the Ten mile reserve.

To BLACK LOON one section of land on the Six mile reserve, commencing at a line which will divide his field on the Wabash river, thence up the river one mile and back for quantity.

To DOCK one section of land on the Wabash river below and adjoining the section granted to Black Loon, and one mile down said river, and back for quantity.

To ME-CHAH-NI-QUA a chief, *alias* Gnos-mas one section of land where he now lives;

One section to include his field on the Salamanca river;

One and one-half section commencing at the

Wabash river where the road crosses the same from John B. Richardville, jr.'s; thence down the said river to the high bank on Mill creek; thence back so as to include a part of the prairie, to be surveyed as directed by said chief.

To TOW-WAH-KO-SHIZ, wife of Old Pish-wa one section of land on the Wabash river below and adjoining the half section granted to Mon-go-sah.

To KO-WAS-SHIZ a chief one section of land, now Seek's reserve to include his orchard and improvements.

To BLACK LOON one section of land on the Six mile reserve and on the Salamanca river, to include his improvements.

To the wife of Benjamin, AH-MAC-KON-ZEE-QUAH one section of land where she now lives, near the prairie and to include her improvements, she being commonly known as Pichou's sister.

To PISH-WAH one section of land above and adjoining the section and a half granted to John B. Richardville on Flat Rock (creek) and to run one mile on the Wabash river.

To WHITE RACCOON, one section of land on the Ten mile reserve where he may wish locate the same.

To LA BLONDE the chief's daughter one section of land on the Wabash river below and adjoining the section of land granted to Francis Godfrey, to be surveyed as she may direct.

To NE-GON-ZAH one section of land on the Mississinewa river a little above the section of land granted to the Deaf Man's daughters, and on the opposite side of the river, to include the pine or evergreen tree, and to be surveyed as he may direct.

To JOHN B. RICHARDVILLE one section of land to include the O-gee village on the Mississinewa river as well as the burying ground of his family to be surveyed as he may direct.

To KEE-SE-LAH-SH-WAH *alias* GODFREY one-half section of land back of the section granted to the principal chief opposite the town of Wabash, to include the creek;

One-half section of land commencing at the lower corner of the section granted to MAH-SHIL-QUAH, thence half a mile down the Wabash river.

To ALLO-LAH one section of land above and adjoining the section granted to MAH-SHIL-GOUN-ME-ZAH and on the same creek.

To JOHN B. RICHARDVILLE, jr. one section of land on Pipe creek above and adjoining the two sections of land granted to the principal chief, to be surveyed as he may direct.

To JOHN B. RICHARDVILLE, one section of land wherever he may choose to have the same located.

It is understood that all the foregoing grants are to be located and surveyed so as to correspond with the public surveys as near as may be to include the points designated in each grant respectively.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of January, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, this eight day of February, one thousand eight [SEAL.] hundred and thirty-nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President:

JOHN FORSYTH, *Secretary of State.*



87

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE CREEK TRIBE OF INDIANS.

CONCLUDED NOVEMBER 23, 1838; RATIFIED MARCH 3, 1839.

THE

THE

THE

THE



MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come. Greeting:

WHEREAS, a treaty was made and concluded at Fort Gibson, west of Arkansas, between Captain William Armstrong, acting superintendent Western Territory, and Brevet General Arbuckle, commissioners on the part of the United States, and the undersigned chiefs, being a full delegation of the Creek chiefs, duly authorized and empowered by their nation to adjust "their claims for property and improvements abandoned, or lost, in consequence of their emigration west of the Mississippi," on the twenty-third day of November, one thousand eight hundred and thirty-eight; which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Fort Gibson west of Arkansas between Captain William Armstrong acting superintendent Western Territory, and Brevet Gen. Arbuckle commissioners on the part of the United States and the undersigned chiefs being a full delegation of the Creek chiefs duly authorized and empowered by their nation to adjust "their claims for property and improvements abandoned, or lost, in consequence of their emigration west of the Mississippi"

ART. 1st. The Creek nation do hereby relinquish all "claims for property and improvements abandoned or lost, in consequence of their emigration west of the Mississippi," in consideration of the sums stipulated in the following articles.

ART. 2d. The United States agree to pay the Creek nation for property &c. as set forth in the preceding article the sum of fifty thousand dollars in stock animals as soon as practicable after the ratification of this treaty. These animals to be furnished and distributed to the people of each town in proportion to their loss, as set forth by the accompanying schedule under the direction of their chiefs and an agent of the Government.

ART. 3d. The United States further agrees to invest for the benefit of the individuals of the Creek nation referred to in the preceding article, the sum of three hundred and fifty thousand dollars and secure to them the interest of five per cent. thereon, to be paid annually, the interest for the first year to be paid in money, the interest thereafter to be paid in money, stock animals, blankets, domestics or such articles of a similar nature as the President of the United States may direct, to be distributed as set forth in the preceding article.

ART. 4th. It is further agreed that the sum invested by the preceding article shall at the expiration of twenty-five years be appropriated under the direction of the President of the United States for the common benefit of the Creek nation.

ART. 5th. The United States further agrees to pay the sum of twenty-one thousand one hundred and three dollars and thirty-three cents, to satisfy claims of the early Creek emigrants to the west, of the McIntosh party as set forth in the accompanying schedule marked (A.)

ART. 6th. In consideration of the suffering condition of about two thousand five hundred of the Creek nation who were removed to this country as hostiles and that are not provided for by this treaty, and the representation of the chiefs of the nation, that their extreme poverty has, and will cause them to commit depredations on their neighbors, it is therefore agreed on the part of the United States that the Creek Indians referred to in this article

shall receive ten thousand dollars in stock animals for one year, as soon as convenience will permit after the ratification of this treaty.

It is however understood by the contracting parties that the rejection of this article will not affect the other provisions of this treaty.

In testimony whereof the commissioners on behalf of the United States and the delegates of the Creek nation have hereunto signed their names, this 23d day of November, A. D. 1838 at Fort Gibson.

WM. ARMSTRONG,
Act Sup Westa Terr.
M. ARBUCKLE,
Brevet Brig. Gen. U. S. A.

Rowly McIntosh,	his x mark.
O Pohl-le Yeholo,	his x mark.
Little Doctor,	his x mark.
Tes-kem-haw,	his x mark.
Uawala Hadjo,	his x mark.
Fus-butche micco,	his x mark.
Cochy Tustannuggee,	his x mark.
Chilby McIntosh,	his x mark.
Co-woc-coo-ge Emarthlar,	his x mark.
Jas. Islands,	his x mark.
Tin Thlannis Hadjo,	his x mark.
Jim Boy,	his x mark.
Cochay Emaria,	his x mark.
Jimmy Chopco,	his x mark.
Yargo,	his x mark.
Yar Dickor Tustannugge,	his x mark.
Charlo Hadjo,	his x mark.
Kussoter Micco,	his x mark.
Loku Pixico,	his x mark.
Tom Marth Micco,	his x mark.
David Barnett,	his x mark.
Bob Tiger,	his x mark.
Tuckshatche Hadjo,	his x mark.
Cho Coater Tustannugge,	his x mark.
Echo Hadjo,	his x mark.
Tal Mars Hadjo,	his x mark.
Emarth Es Hadjo,	his x mark.

Witnesses.

J. S. McIntosh, *Maj 7th Inf.*
B. Lilley, *Maj 4th Inf.*
S. W. Moore, *Capt 7th Inf.*
W. K. Hanson, *Lt 7th Inf.*
G. H. Paul, *1st Lt 7th Inf., A. C. S.*
D. J. Whiting, *1st Lt 7th Inf.*
G. J. Rains, *Capt 7th Inf.*
M. Stokes, *Agent for Cherokee nation.*
James Logan, *Agent for Creek nation.*
1st Lt. S. G. SIMMONS, *7th Inf.,*
Secretary to the Commission.

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand. .

DONE at the city of Washington, the second day of March, one thousand eight [L. s.] hundred and thirty-nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President :

JOHN FORSYTH, *Secretary of State.*

88

TREATY

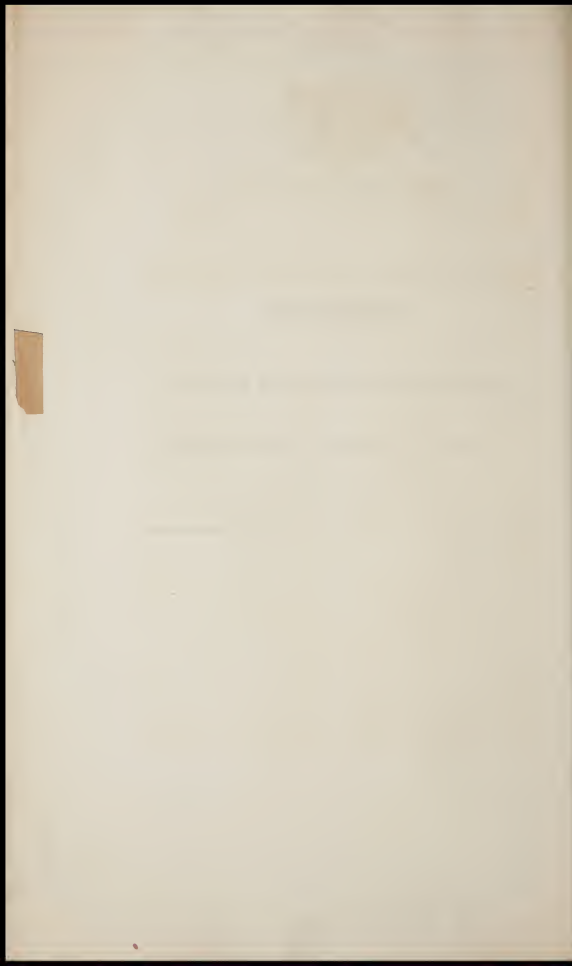
BETWEEN

THE UNITED STATES OF AMERICA

AND

THE GREAT AND LITTLE OSAGE INDIANS.

CONCLUDED JANUARY 11, 1839; RATIFIED MARCH 2, 1839.





MARTIN VAN BUREN,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come. Greeting:

WHEREAS, a treaty was made and concluded at Fort Gibson, west of Arkansas, between Brigadier General M. Arbuckle, Commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Great and Little Osage Indians, duly authorized by their respective bands, on the eleventh day of January, one thousand eight hundred and thirty-nine; which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Fort Gibson, west of Arkansas between Brig. General M. Arbuckle, Commissioner on the part of the United States, and the chiefs headmen and warriors of the Great and Little Osage Indians, duly authorized by their respective bands.

ARTICLE 1st. The great and Little Osage Indians make the following cessions to the United States:

First, Of all titles or interests in any reservation heretofore claimed by them, within the limits of any other tribe.

Second, Of all claims or interests under the treaties of November tenth, one thousand eight hundred and eight and June second one thousand eight hundred and twenty-five, except so much of the latter as is contained in the sixth article thereof and the said Indians bind themselves to remove from the lands of other tribes, and to remain within their own boundaries.

ARTICLE 2d. In consideration of the cessions and obligations contained in the preceding article, the United States agree to the following stipulations on their part.

First, To pay to the said Great and Little Osage Indians, for the term of twenty years an annuity of twenty thousand dollars to be paid in the Osage nation, twelve thousand in money, and eight thousand in goods, stock, provisions, or money as the President may direct.

Second, To furnish the Osage nation, for the term of twenty years, two blacksmiths and two assistants, the latter to be taken from the Osage nation, and receive two hundred and twenty-five dollars each, per year; each smith to be furnished with a dwelling house, shop and tools, and five hundred pounds of iron, and sixty pounds of steel annually.

Third, To furnish the Osage nation with a grist and saw mill, a miller to each for fifteen years, and an assistant to each for eleven years, the latter to be taken from the Osage nation and receive each two hundred and twenty-five dollars per year; each miller to be furnished with a dwelling house, and the necessary tools.

Fourth, To supply the said Great and Little Osage Indians within their country with one thousand cows and calves, two thousand breeding hogs, one thousand ploughs; one thousand sets of horse gear, one thousand axes, and one thousand hoes; to be distributed under the direction of their agent, and chiefs, as follows, viz: to each family who shall form an agricultural settlement, one cow and calf, two breeding hogs, one plough, one set of horse

gear, one axe, and one hoe. The stock tools &c. to be in readiness for delivery, as soon as practicable after the ratification of this treaty, and the Osages shall have complied with the stipulations herein contained.

Fifth, To furnish the following named chiefs, viz: Pa-hu-sen, Clermont, Chiga-wa-sa, Ka-he-gis-tenge, Tawan-ga-hais, Wa-cho-chais, Ni-ka-wa-chin-tanga, Tally, Gai-ha-bu-chais, Bepisti Mongrain, each with a house worth two hundred dollars; and the following named chiefs, viz: Chi-to-ka-sa bai, Wa-ta-ni-ga, Wa-der-chi-ga, Chon-ta-sa-bais, Nan gais-wa-ha-qui hais, Ka-hi-gais-ster-de-gais, Man-haie-spais-we-te-chis, Chow-gais-mo non, Gre-tan-man-sais, Kan-sais-ke-eris, Cho-mi-ka-sais, Man-cha-ki-da-chi-ga, each with a house worth one hundred dollars, and to furnish the above named chiefs with six good wagons, sixteen carts, and twenty-eight yoke of oxen, with a yoke and log chain to each yoke of oxen, to be delivered to them in their own country, as soon as practicable after the ratification of this treaty.

Sixth, To pay all claims against said Osages, for depredations committed by them against other Indians or citizens of the United States, to an amount not exceeding thirty thousand dollars, provided that the said claims shall be previously examined under the direction of the President.

Seventh, To purchase the reservations provided for individuals in the fifth article of the treaty of June second, one thousand eight hundred and twenty-five, at not exceeding two dollars per acre, to be paid to the respective reserves, excepting however from this provision, the tracts that were purchased in the fourth article of the treaty with the Cherokees of December twenty-ninth one thousand eight hundred and thirty-five.

Eighth, To reimburse the sum of three thousand dollars deducted from their annuity in one thousand eight hundred and twenty-five, to pay for property taken by them, which they have since returned.

Ninth, To pay to Clermont's band, their portion of the annuity for one thousand eight hundred and twenty-nine, which was wrongfully withheld from them, by the agent of the Government, amounting to three thousand dollars.

ART. 3d. This treaty shall be binding on both parties when ratified by the United States Senate.

In testimony whereof the said Brig. General M. Arbuckle, commissioner as aforesaid, and the chiefs, headmen, and warriors of the Great and Little Osage nation of Indians, have hereto set

their hands, this eleventh day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

M. ARBUCKLE,
Brevet Brig. Genl. U. S. A.

Wa-tier chi-ga,	his x mark.
Chow-in-sa-bais,	his x mark.
Nan-gais-wa ha qui hais,	his x mark.
Ka-hi-gais-stier-de-gais,	his x mark.
Man-hais-spar-we-te-chis,	his x mark.
Chon-gais-mo-non,	his x mark.
Gre-tan-nam-sais,	his x mark.
Kan-sais-ke-cris,	his x mark.
Cho mi-ka-sais,	his x mark.
Man-cha-ka-da-chi-ga,	his x mark.
Ha-car-ti,	his x mark.
Cha-bais-chiga,	his x mark.
Pa-hu-ca,	his x mark.
Clermont,	his x mark.
Chiga-wa-sa,	his x mark.
Ka-hi-gais-tanga,	his x mark.
Ta-wan-ga-hais,	his x mark.
Wa-cho-chais,	his x mark.
Ni-ka-wa chin-tanga,	his x mark.
Tally,	his x mark.
Guy-hra-ha-chais,	his x mark.
Baptist Mongrain,	his x mark.
Chi-to-ka sa-bais,	his x mark.
Wa-ta-ni-ga,	his x mark.
Ka-hi gais-wa-tier-hais,	his x mark.
Man-hi-ban-ga,	his x mark.
Wa-non-pa-cbais,	his x mark.
Owa-sa-bais,	his x mark.
Ti-cho-wa-in-na-ga,	his x mark.
Wa-kan-da-hi-pa-on-be,	his x mark.
Hi-hi-tanga,	his x mark.
Ka-wa-tan-ga,	his x mark.
Chon-ka-sais-bais-chiga,	his x mark.
Mon-ka-sa-bais,	his x mark.
Han-ber-la-que-ni,	his x mark.
Hais-wa-ter-hai,	his x mark.
Ma-non-po-chais,	his x mark.
We-ha-sa-chais,	his x mark.
Hude-gais-ta-wa-in-nige,	his x mark.
Ti-cho-han-ga,	his x mark.
Non-de-gais-tan-ga,	his x mark.
Mi-in-ni-ga,	his x mark.
Wa-ka-non-te-si-tais,	his x mark.
Ka-hi-gais-ka-cris,	his x mark.

Wa-cha-cour-in-sa,	his x mark.
Wa-chin-po-cbais,	his x mark.
Tier-to-ha,	his x mark.
Ka-wa-ho-de-gais-ha-gue-ni,	his x mark.
Ni-ko-bi-bran	his x mark.
Hi-cha-ha-cris,	his x mark.
Wa-chin-po-chais-la-ta,	his x mark.
Hai-sen-mo-ni,	his x mark.
Wa-kan-da-gais-chi-ga,	his x mark.
Pun-ka-wa-sa-ni-ga,	his x mark.
Sa-tan-wa-cris,	his x mark.
Ha-ha-ga-be,	his x mark.
Wa-la-ni,	his x mark.
Hi-wa-ha-ga-chi-ga,	his x mark.
Wa-chin-o-ti,	his x mark.
Equi-has,	his x mark.
To-wan-li hi,	his x mark.
Opa-chi-gais,	his x mark.
Ta-wan-te-se-tais,	his x mark.
Hi-bi-son-de-gais,	his x mark.
Man-cha-ki-dais,	his x mark.
Ta-bais-ki-hais,	his x mark.
Pani-wa-we-tas,	his x mark.
Ko-chi-wa-ter,	his x mark.
Wa-cha-chais-wo-chin-oi,	his x mark.
Tier-pa-ga-hais,	his x mark.
Wa-han-ga-tier Econ-Chnis	his x mark.
Ni-ka-ha-cris,	his x mark.

Witnesses:

B. Riley, *Maj. 4th Infy.*
 James R. Stephenson, *Capt. 7th Inf.*
 W. Seawell, *Capt. 7th Inf.*
 D. P. Whiting, *Lt. 7th Inf.*
 R. C. Gatlin, *Adj. 7th Inf.*
 P. S. G. Cooke, *Capt. 1st Drags.*
 Jno. B. Shepherd, *Lieut. 7th Inf.*
 C. Hanson, *Lt. 7th Inf.*
 P. Z. Chouteau.
 Frank Ritchie.
 M. Giraud.
 Danl. Boyd.
 Geo. R. Beard.
 Leo. Wetmore.
 Baptiste Mongrain, *Osage interpreter,*
 his x mark.
 Lt. S. G. Simmons, *7th Inf., secy to the com-*
 mission.

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same, and every clause and article thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight [L. S.] hundred and thirty-nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President:

JOHN FORSYTH, *Secretary of State.*

89

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

SAGANAW TRIBE OF CHIPPEWAS.

CONCLUDED FEBRUARY 7, 1839; RATIFIED MARCH 2, 1839.





MARTIN VAN BUREN,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come. Greeting :

WHEREAS, articles supplementary to certain treaties between the United States and the Saganaw tribe of Chippewas, were made and concluded at Lower Saganaw, in Michigan, on the seventh day of February, eighteen hundred and thirty-nine; which articles are in the words following, to wit :

Articles supplementary to certain treaties between the United States and the Saganaw tribe of Chippewas.

ART. 1. Whereas the said tribe have, by the treaty of the 14th January 1837, ceded to the United States, all their reserves of land in the State of Michigan, on the principle of said reserves being sold at the public land offices for their benefit, and the actual proceeds being paid to them, as further defined by stipulations contained in the amendments to said treaty of the 30th December 1837, and of the 23d January 1838. And whereas it is required by a subsequent law of Congress, to erect a lighthouse on one of said reserves, called Na-bo-bish tract, lying at the mouth of the Saginaw river, and to reserve so much of the same from sale as may be necessary; it is therefore hereby agreed, by the said tribe, that for, and in consideration of the sum of eight dollars per acre, one sixteenth of a section of said tract, situated as aforesaid, shall be, and the same is hereby appropriated and set apart, to be located and disposed of in any manner the President may direct. And the same shall be reserved from sale, and all claims to any proceeds therefrom, except the sum herein before stipulated, is fully, completely and forever relinquished by such tribe.

ART. 2. This compact shall be submitted to the

President and Senate of the United States, to be approved by them, whereupon possession of the land may be immediately taken, and the usufructory right of the Indians thereto shall cease.

In testimony whereof, the Acting Superintendent pro tem. of Indian Affairs for the State of Michigan, duly authorized for this purpose, and the chiefs of the said tribe, have hereunto set their hands and seals at Lower Saganaw in Michigan, this seventh day of February, in the year eighteen hundred and thirty-nine.

JOHN HULBERT,

Act. Superintendent Indian Affairs pro tem.

Ogima Kegido,	his x mark.	[L. s.]
Wabredonauce,	his x mark.	[L. s.]
Mackin Kosh,	his x mark.	[L. s.]
Osaw Waubau,	his x mark.	[L. s.]
Sheegunawezhig,	his x mark.	[L. s.]
Penay-sawabee,	his x mark.	[L. s.]
Caw-ga-ice-seh-sa,	his x mark.	[L. s.]
Sawwin Epenaysee,	his x mark.	[L. s.]

In presence of—

J. E. Schwarz, *Adj. Gen. M. M.*

Henry Connor, *Sub-Agent.*

Leon Tremble, jr., *U. S. Interpreter.*

B. C. Tremble.

Joseph Tremble.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said articles, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight [L. s.] hundred and thirty nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President :

JOHN FORSYTH, *Secretary of State.*



90

SUPPLEMENTARY ARTICLE

TO THE

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE CHIPPEWA CHIEFS OF SAGANAW.

CONCLUDED FEBRUARY 7, 1839; RATIFIED MARCH 2, 1839.





MARTIN VAN BUREN,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come. Greeting:

WHEREAS, a supplementary article to a certain treaty between the United States and the Chippewa chiefs of Saginaw, concluded at Lower Saginaw on the seventh day of February, eighteen hundred and thirty-nine, was made and concluded on the same day, and at the same place; which article is in the words following, to wit:

Supplementary article to a certain treaty between the United States and the Chippewa chiefs of Saginaw, concluded at Lower Saginaw on the seventh day of February, eighteen hundred and thirty-nine.

ART. 1st. Whereas by the first article of the aforesaid treaty, the chiefs stipulate to sell to the United States forty acres of land to be located on the Na-bo-bish tract at the mouth of Saginaw river, for the purpose of erecting thereon a light-house.

Now provided the President of the U. S. should prefer forty acres, on the tract, known as the forty thousand acre reservation, at the mouth of the aforesaid river, he is fully authorized by these presents to change the location from the Na-bo-bish tract, to the said forty thousand acre reservation.

Signed and sealed at Lower Saginaw this seventh day of February 1839.

JOHN HULBERT,

Act. Superintendent of Ind. Affairs pro tem.

Ogima Kegido,	his x mark.	[L. S.]
Waubredoince,	his x mark.	[L. S.]
Muckuk Kosk,	his x mark.	[L. S.]
Osau Wauban,	his x mark.	[L. S.]
Sheegunagezhig,	his x mark.	[L. S.]
Penayseewabee,	his x mark.	[L. S.]
Caw-ga-ke-seh sa,	his x mark.	[L. S.]
Shawua Epenaysee,	his x mark.	[L. S.]

In presence of—

J. Schwarz, *Adj. Genl. M. M.*
Henry Connor, *Sub. Agent.*
Leon Tremble, jr., *U. S. Interpreter.*
B. C. Tremble.
Joseph Tremble.

NOW, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered the said articles, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and thirty-nine, accept, ratify, and confirm the same.

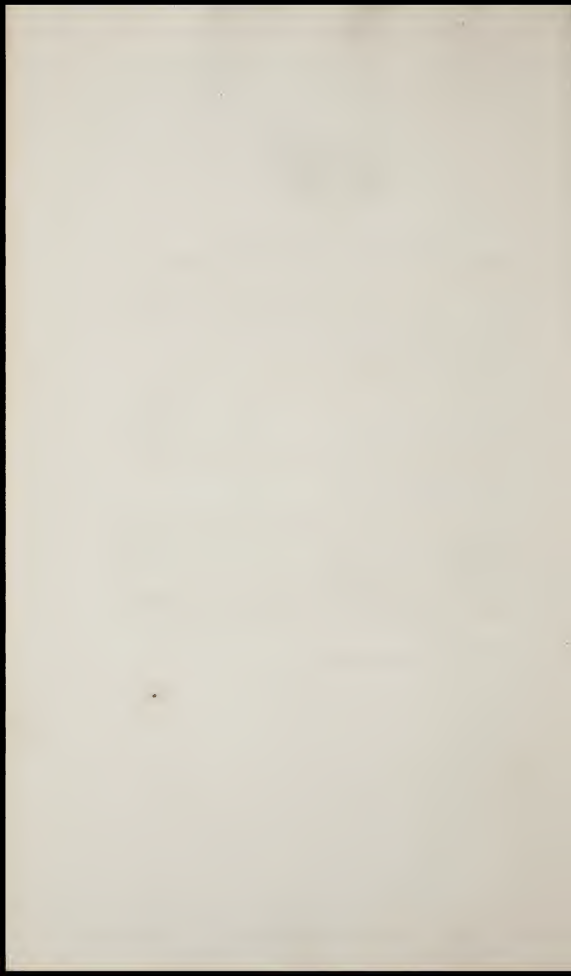
IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the city of Washington, the second day of March, one thousand eight hundred and thirty-nine, and of the Independence of the United States the sixty-third.

M. VAN BUREN.

By the President:

JOHN FORAYTH, *Secretary of State.*





MARTIN VAN BUREN,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting:

WHEREAS, a treaty was made at Stockbridge, in the Territory of Wisconsin, on the third day of September, one thousand eight hundred and thirty-nine, between the United States of America, by their Commissioner, Albert Gallup, and the Stockbridge and Munsee tribes of Indians, who reside upon the Lake Winnebago, in the territory of Wisconsin; which treaty is word for word as follows, to wit:

ARTICLES OF A TREATY

Made at Stockbridge in the Territory of Wisconsin, on the third day of September in the year of our Lord one thousand eight hundred and thirty-nine, between the United States of America, by their Commissioner Albert Gallup, and the Stockbridge and Munsee tribes of Indians, who reside upon Lake Winnebago, in the territory of Wisconsin.

ARTICLE I.

The Stockbridge and Munsee tribes of Indians (formerly of New York) hereby cede and relinquish to the United States, the east half of the tract of forty-six thousand and eighty acres of land, which was laid off for their use, on the east side of Lake Winnebago, in pursuance of the treaty made by George B. Porter Commissioner on the part of the United States, and the Menominee nation of Indians, on the twenty-seventh day of October, eighteen hundred and thirty-two. The said east half hereby ceded, to contain twenty-three thousand and forty acres of land, to be of equal width at the north and south ends, and to be divided from the west half of said tract of forty-six thousand and eighty acres, by a line to be run parallel to the east line of said tract. The United States to pay therefor, one dollar per acre at the time and in the manner hereinafter provided.

ART. II.

Whereas a portion of said tribes, according to a census or roll taken, and hereunto annexed, are desirous to remove west, and the others to remain where they now are; and whereas the just proportion of the emigrating party in the whole tract of forty-six thousand and eighty acres, is eight thousand seven hundred and sixty-seven and three-fourths acres of land, it is agreed that the United States pay to the said emigrating party, the sum of eight thousand seven hundred and sixty-seven dollars and seventy-five cents, as a full compensation for all their interest in the lands held by the party who remain, as well as in the lands hereby ceded to the United States.

ART. III.

Whereas the improvements of the emigrating party are all on that part of the original tract which is reserved and still held by the party who remain in Stockbridge, and it is but equitable that those who remain should pay those who emigrate for such improvements; it is agreed that the United States shall pay to the emigrating party the sum of three thousand eight hundred and seventy-nine dollars and thirty cents, the appraised value of said improvements; and it is hereby agreed and expressly understood, that the moneys payable to the emigrating party shall be distributed among the heads of families according to the schedule hereunto annexed, the whole amount to be paid to the emigrating party, under this and the preceding article being the sum of twelve thousand, six hundred and forty-seven dollars and five cents.

ART. IV.

The balance of the consideration money for the lands hereby ceded, (after deducting the sums mentioned in the second and third articles) amounting to the sum of ten thousand three hundred and ninety-two dollars and ninety-five cents, is to be paid to, and invested for the benefit of, such of the Stockbridge and Munsee tribes of Indians (numbering three hundred and forty-two souls) as remain at their present place of residence at Stockbridge on the east side of Winnebago lake, as follows. Six thousand dollars of said sum to be invested by the United States in public stocks at an interest of not less than five per cent. per annum as a permanent school fund; the interest of which shall be paid annually to the sachem and counsellors of their tribes, or such other person as they may appoint to receive the same, whose receipt shall be a sufficient voucher therefor; and the balance thereof amounting to four thousand three hundred and ninety-two dollars and ninety-five cents, shall be paid to the said sachem and counsellors, or to such person as they may appoint to receive the same whose receipt shall be a sufficient voucher therefor.

ARTICLE V.

The moneys herein secured to be paid by the United States to the Stockbridge and Munsee tribes amounting in all to twenty-three thousand and forty dollars are to be paid in manner aforesaid, in one year from the date hereof, or sooner if practicable.

ART. VI.

It is agreed that an exploring party not exceeding three in number may visit the country west, if the Indians shall consider it necessary, and that whenever those who are desirous of emigrating shall signify their wish to that effect, the United States will defray the expenses of their removal west of the Mississippi, and furnish them with subsistence for one year after their arrival at their new homes. The expenses of the exploring party to be borne by the emigrants.

ART. VII.

Whereas there are certain unliquidated claims and accounts existing between the emigrating party, and those who remain where they now are, which it is now impossible to liquidate and adjust; it is hereby agreed that the same shall be submitted to the agent of the United States who shall be appointed to make the payments under this treaty, and that his decision shall be final thereon.

In witness whereof we have hereunto set our hands and seals this third day of September in the year of our Lord one thousand eight hundred and thirty-nine.

ALBERT GALLUP, (L. S.)

Com'r on the part of the United States.

Austin E. Quinney, sachem.	-	-	-	-	-	(L. S.)
Thomas T. Hendrick.	-	-	-	-	-	(L. S.)
John Metoxen.	-	-	-	-	-	(L. S.)
Jacob Chicks.	-	-	-	-	-	(L. S.)
Robert Konkapot.	-	-	-	-	his x mark.	(L. S.)
Capt. Porter, Munsee chief.	-	-	-	-	his x mark.	(L. S.)
James Rain, Munsee war chief.	-	-	-	-	his x mark.	(L. S.)

Stockbridges.

Timothy Jourdan.	-	-	-	-	-	(L. S.)
Benj. Palmer.	-	-	-	-	bis x mark.	(L. S.)
Jno. N. Chicks.	-	-	-	-	-	(L. S.)
Jno. W. Quinney.	-	-	-	-	-	(L. S.)
John P. Quinney.	-	-	-	-	-	(L. S.)
John W. Newcom.	-	-	-	-	-	(L. S.)
Thomas S. Branch.	-	-	-	-	-	(L. S.)
Levi Konkapot.	-	-	-	-	his x mark.	(L. S.)
John Littleman.	-	-	-	-	-	(L. S.)
Peter Sherman.	-	-	-	-	his x mark.	(L. S.)
J. L. Chicks.	-	-	-	-	-	(L. S.)

Munsee.

John Killenake.	-	-	-	-	-	(L. S.)
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Stockbridges.

Jeremiah Slingerland.	-	-	-	-	-	-	(L. s.)
Jonas Thompson.	-	-	-	-	-	his x mark.	(L. s.)
Eli Hendrick.	-	-	-	-	-	-	(L. s.)
Elisha Konkapot.	-	-	-	-	-	his x mark.	(L. s.)
Henry Skicket.	-	-	-	-	-	-	(L. s.)
Simon S. Metoxen.	-	-	-	-	-	-	(L. s.)
Samuel Miller.	-	-	-	-	-	-	(L. s.)
Gerret Thompson.	-	-	-	-	-	his x mark	(L. s.)
Daniel David.	-	-	-	-	-	-	(L. s.)
Ziba T. Peters.	-	-	-	-	-	-	(L. s.)
Simeon Konkapot.	-	-	-	-	-	his x mark.	(L. s.)
David Abraus.	-	-	-	-	-	his x mark.	(L. s.)
Jonas Konkapot.	-	-	-	-	-	his x mark.	(L. s.)
David Calvin.	-	-	-	-	-	his x mark.	(L. s.)
Benjamin Pye, sen.	-	-	-	-	-	his x mark.	(L. s.)
Aaron Nisham.	-	-	-	-	-	-	(L. s.)

Signed and sealed in presence of—

A. S. KELLOGG.
CUTTING MARSH.
CLARK WHITNEY.
JOHN DEEN
JOHN WILBER.

*Roll and Schedule referred to in articles 2 and 3 of the treaty hereunto
annexed.*

Names of heads of families of emigrating party.	No. of each family.	No. of acres of land to each family.	Value of lands in dollars and cents.	Appraised value of improvements.	Total value of lands & improvements, and amount to be paid to head of each family.
Thomas T. Hendrick . . .	6	713	\$713 00	\$480 50	\$1,193 50
Robert Konkapot . . .	4	490½	490 50	939 00	1,429 50
Timothy Tousse . . .	6	642	642 00	135 00	777 00
Elisha Konkapot . . .	6	642	642 00	67 50	709 50
Cornelius Charles . . .	7	686	686 00	-	686 00
Jonas Konkapot . . .	3	321	321 00	56 25	377 25
Levi Konkapot . . .	1	107	107 00	384 00	491 00
David Abrams . . .	2	214	214 00	-	214 00
Dolly Dockstader . . .	5	597½	597 50	168 75	766 25
Eli Hendrick . . .	3	321	321 00	238 25	559 25
Simeon Konkapot . . .	3	321	321 00	-	321 00
Lydia Hendrick . . .	1	107	107 00	305 00	412 00
Thomas S. Branch . . .	1	131½	131 50	-	131 50
John Baldwin . . .	1	107	107 00	-	107 00
John W. Newcom . . .	5	535	535 00	-	535 00
Jonas Lettleman . . .	1	107	107 00	-	107 00
Henry Skickett . . .	3	321	321 00	-	321 00
Betsy Bennet . . .	1	107	107 00	-	107 00
Peter Sherman . . .	1	107	107 00	390 00	497 00
David Calvin . . .	1	44½	44 50	-	44 50
Eli Williams . . .	1	107	107 00	-	107 00
Catharine Lettleman . . .	6	642	642 00	-	642 00
James Rain . . .	6	642	642 00	40 00	682 00
Big Deer . . .	1	107	107 00	-	107 00
Ziba T. Peters . . .	3	246½	246 25	144 30	390 55
Cornelius Chemaucum, and other heirs of Phebe Ducham	2	214	214 00	-	214 00
	-	187½	187 50	530 75	718 25
	80	8,767½	8,767 75	3,879 30	12,647 05

Now, THEREFORE, BE IT KNOWN, that I, MARTIN VAN BUREN, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the thirteenth day of May, one thousand eight hundred and forty, accept, ratify, and confirm the same, and every article and clause thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the City of Washington, the sixteenth day of May, one thousand eight hundred and forty, and of the Independence of the United States the sixty-fourth.

M. VAN BUREN.

By the President :

JOHN FORSYTH,
Secretary of State.





JOHN TYLER,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Treaty was made and concluded at Upper Sandusky, Crawford County, Ohio, on the seventeenth day of March, in the year of our Lord, one thousand eight hundred and forty-two, between John Johnston, Commissioner on the part of the United States, and the Chiefs, Counsellors, and Headmen, of the Wyandott Nation of Indians, in full Council assembled, on the other part:

AND WHEREAS, said Treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the seventeenth day of August, one thousand eight hundred and forty-two, advise and consent to the ratification of said Treaty with certain amendments:

AND WHEREAS, the said Indians did, by their Chiefs and Counsellors, in full Council assembled, on the sixteenth day of September, one thousand eight hundred and forty-two, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid; which Treaty, resolution of the Senate making the amendments to said Treaty, and the assent of the Indians to said amendments, are in the words following, to wit:

JOHN TYLER, *President of the United States of America, by John Johnston, formerly Agent for Indian Affairs, now a citizen of the State of Ohio, Commissioner duly authorised and appointed to treat with the Wyandott nation of Indians for a cession of all their lands lying and being within the States of Ohio and Michigan; and the duly constituted chiefs, counsellors and headmen of the said Wyandott nation, in full council assembled, on the other part; have entered into the following articles and conditions, viz.*

ARTICLE 1. The Wyandott nation of Indians do hereby cede to the United States all that tract of land situate lying and being in the County of Crawford and State of Ohio, commonly known as the residue of the large Reserve, being all of their remaining lands within the State of Ohio, and containing one hundred and nine thousand one hundred and forty-four acres, more or less. The said nation also hereby cedes to the United States all their right and title to the Wyandott Reserve on both sides of the River Huron in the State of Michigan, containing four thousand nine hundred and ninety-six acres, be the same more or less, being all the remaining lands claimed or set apart for the use of the Wyandotts within the State of Michigan; and the United States hereby promises to pay the sum of five hundred dollars towards the expenses of removing the Indians of the River Huron to Upper Sandusky, but before the latter clause of this article is binding on the contracting parties, the consent of the headmen of the River Huron Wyandotts is to be had in writing.

ARTICLE 2. In consideration of the foregoing cession, the United States hereby grant to the aforesaid Wyandott nation, a tract of land west of the Mississippi River, in a square or oblong form, as the chiefs of said nation may prefer, to contain one hundred and forty-eight thousand acres, and to be located upon any lands owned by the United States, now set

apart, or may in future be set apart for Indian use, and not already assigned to any other tribe or nation, and the United States having reserved three sections of land of six hundred and forty acres each within the Shawanoe Territory immediately below the junction of the Kanza River with the Missouri, for the purposes of erecting a Fort thereon, and it being no longer necessary to be retained for that use, they are hereby ceded to the said Wyandott nation, both of these cessions to be made in fee simple to the Wyandotts, and to their heirs for ever.

ARTICLE 3. The United States agree to pay the Wyandott nation a perpetual annuity of seventeen thousand five hundred dollars in specie, the first payment to be made within the present year, 1842, to enable the nation the more speedily to remove to their new home in the west, this includes all former annuities.

ARTICLE 4. The United States agree to make a permanent provision of five hundred dollars per annum, for the support of a school, to be under the direction of the chiefs, and for no other purpose whatever, the first payment to be made three years hence, and afterwards at the payment of the annuity in each succeeding year.

ARTICLE 5. The United States agree to pay the Wyandotts the full value of their improvements in the country hereby ceded by them in Ohio and Michigan, which valuation shall be made by two persons to be appointed by the President of the United States, who shall be sworn faithfully to do justice to the parties, the amount of such valuation to be paid at any time after the 1st day of April 1843, as shall be acceptable to the Wyandott chiefs, to meet their arrangements for emigrating.

ARTICLE 6. The United States hereby agree to pay the debts due by members of the Wyandott nation to the citizens of the United States, amounting to dollars in conformity to a schedule hereto annexed.*

ARTICLE 7. The Wyandotts shall be allowed the use and occupancy of their improvements until the 1st of April 1844 on the condition that they nor any persons claiming or occupying under them by lease or otherwise shall not commit waste or damage on the premises hereby ceded, but this is not to prevent the United States from surveying and selling the land at any time previous to the said 1st day of April, 1844.

ARTICLE 8. The United States engage to provide and support a blacksmith and an assistant blacksmith for the Wyandott nation, and to furnish annually a sufficient quantity of iron, steel, coal, files, tools, and all other things necessary and proper in such an establishment, and to erect a suitable shop and house or houses for the residence of the blacksmith and his assistant.

ARTICLE 9. The United States engage to maintain and support a sub agent and Interpreter to reside among the Wyandotts, to aid them in the protection of their persons and property, and to manage their intercourse with the Government and citizens of the United States.

ARTICLE 10. The buildings and farm occupied by the mission of the Methodist Episcopal Church, shall remain in possession of the present incumbents until the 1st day of April 1844, and permission is hereby given to harvest and remove the crop of fall grain which may be then sown.

ARTICLE 11. All persons identified as members of the Wyandott nation, and their heirs, and who may emigrate to the west, shall participate equally in the benefits of the annuity, and all other national privileges, and it is expressly understood that those who do not emigrate, and any that may hereafter cease to remain with the nation, will not be entitled to the benefits and privileges aforesaid.

ARTICLE 12. Whereas by the 8th article of the treaty of Miami rapids of September 29th 1817, there was granted unto Horonu or Cherokee Boy, a Wyandott chief, one section of land to contain six hundred and forty acres, and whereas the said Horonu did during his life time sell and convey to James Whitaker one quarter section of said land containing 160 acres, which sale was confirmed by the President of the United States. The said Horonu died in the month of March 1826 having by his last will bequeathed the remaining three quarter sections, containing 480 acres to Squeendehtee and Sooharress or Isaac Williams, they being the nearest of kin to the deceased, now to the intent that the purposes of the testator may be fully complied with, it is hereby agreed that the 480 acres of land as aforesaid, shall be immediately sold under the direction of the President of the United States, and the nett proceeds, after deducting all expenses be paid over to the heirs aforesaid.

* Debts are not all in, the schedule will be prepared and forwarded as soon as possible, the amount is estimated not to exceed \$20,000.

ARTICLE 13. The chiefs of the Wyandott nation hereby agree to remove their whole people to the west of the Mississippi river without any other cost to the United States than the sum of ten thousand dollars, five thousand dollars of which is to be paid the chiefs when the first detachment of their people sets out on their journey to the west, and the remaining five thousand dollars on the arrival of the whole nation at the place of their destination in the west.

ARTICLE 14. The United States agree to grant by patent in fee simple to each of the following named persons, and their heirs, all of whom are Wyandotts, by blood or adoption, one section of land of six hundred and forty acres each out of any lands west of the Mississippi river set apart for Indian use, not already claimed or occupied by any person or tribe, viz: Silas Armstrong, John M. Armstrong, Matthew R. Walker, William Walker, Joel Walker, Charles B. Garrett, George Garrett, George J. Clark, Irwin P. Long, Ethan A. Long, Joseph L. Tannery, Robert Robertaile, Jared S. Dawson, Joseph Newell, John T. Walker, Peter D. Clark, James Rankin, Samuel McCulloch, Elliot McCulloch, Isaiah Walker, William M. Tannery, Henry Clay Walker, Ebenezer Z. Reed and Joel Walker Garrett and to the following chiefs and councillors one section each, Francis A. Hicks, James Washington, Squeendehtee, Henry Jaques, Tauronee, Doctor Grey Eyes, George Armstrong Warpole, John Hicks, Peacock, and George Punch. The lands hereby granted to be selected by the grantees, surveyed and patented at the expense of the United States, but never to be conveyed by them or their heirs without the permission of the President of the United States.

ARTICLE 15. The United States agree to pay to William Walker and Joel Walker, each the sum of two hundred and fifty dollars, and to John M. Armstrong one hundred and fifty dollars, for services rendered as Interpreters in the progress of the negotiation; and to Warpole a former chief of the Wyandott nation, one hundred and fifty dollars, money expended by him as one of the party who accompanied Joseph McCutchen, a former Commissioner of the United States to the city of Washington in September 1839.

ARTICLE 16. In the year 1812, the houses, stables, fences, horses cattle and hogs with farming utensils and household furniture to a large amount, the property of the late William Walker of Brownstown in the territory of Michigan, was destroyed by the enemy, while in the occupancy of the United States forces; and by reason of his attachment to the cause of his country, being a native citizen taken prisoner in early life by the Wyandott Indians, intermarried and ever after living among them, the evidence of all which is ample and conclusive. There is therefore granted unto Catherine Walker, widow of the said William Walker, and to his heirs the sum of three thousand dollars, in full satisfaction of their claim, to be paid by the United States to her or them, after the ratification of this treaty.

ARTICLE 17. There shall be reserved from sale and for ever devoted to public use, two acres of ground as near as can be in a square form, to include the stone meeting house and burying ground near to and north of Upper Sandusky, one acre to include the burying ground on the bank near the Council house at Upper Sandusky, and one half acre to include the burying ground on the farm of Silas Armstrong, which several lots of ground shall for ever remain open and free to all persons for the purpose of interment, and houses of worship, and for no other purposes whatever.

ARTICLE 18. This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof the said John Johnston Commissioner as aforesaid, and the chiefs and councillors and headmen of the Wyandott Nation, in open Council at the Council house at Upper Sandusky, in the County of Crawford, and the State of Ohio, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-two, have set their names.

Signed in presence of us.

John W. Bear, Sub Ind. Agt.,
James Rankin, U. S. Interpreter,
G. C. Worth,
John Carey,
Sam'l. Newell,

JOHN JOHNSTON.

Fran. A. Hicks, Principal Chief,
James Washington, his x mark,
Squeendehtee, his x mark,
Henry Jaquis, his x mark,
Tauronee, his x mark,
George Armstrong, his x mark,
Doctor Grey Eyes, his x mark.

Stephen Fowler,
Chas. Graham,
John Walker,
Chester Wells,
J. Duddleson,
Andrew Gardner, Jun.,
John Justus,

IN THE SENATE OF THE UNITED STATES, August 17, 1842.

Resolved, Two thirds of the Senators present concurring therein, that the Senate advise and consent to the ratification of the Treaty between the United States of America and the Wyandott Nation of Indians, concluded at Upper Sandusky, Crawford County, Ohio, on the 17th March, 1842, with the following amendments:

ARTICLE 2. Lines 4 and 5, strike out the words, "in a square or nblong form as the chiefs of said nation may prefer."

ARTICLE 2. From the word nation in line 10, strike out to the end of that article the following words: "and the United States having reserved three sections of land of six hundred and forty acres each within the Shawanoese territory, immediately below the junction of the Kanza river with the Missouri, for the purpose of erecting a fort thereon; and it being no longer necessary to be retained for that use, they are hereby ceded to the said Wyandott Nation, both of these cessions to be made in fee simple to the Wyandotts and to their heirs for ever."

ARTICLE 6. Insert in the blank line 4, the following words: *twenty-three thousand eight hundred and sixty*.

ARTICLE 14. Line 6, strike out "Mississippi" and insert *Missouri*.

Attest:

(Signed,) ASBURY DICKINS, *Secretary*.

We the undersigned chiefs and counsellors of the Wyandott Nation of Indians residing in the State of Ohio, and representing also the Wyandotts of the River Huron in Michigan, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States, on the seventeenth day of August, one thousand eight hundred and forty-two, to the treaty concluded by us with the United States on the 17th day of March 1842, the same having been submitted and fully explained to us by John Johnston, Commissioner on the part of the United States, for that purpose, in full Council assembled.

In testimony whereof we have hereunto set our hands and affixed our seals, respectively, at Upper Sandusky, Ohio, the sixteenth day of September, one thousand eight hundred and forty-two, 1842.

In the presence of us:
John Johnston, U. S. Commissioner,
James Rankin, U. S. Interpreter,
John Carey,
Joseph Chaffee,
James Wheeler, Missionary to the Methodist Episcopal Church, Wyandotts,
William M. Buell,
Chas. Graham,
H. J. Starr.

Henry Jacques, Principal Chief, this	
year,	his x mark [L. s.]
James Washington,	his x mark [L. s.]
Doctor Grey Eyes,	his x mark [L. s.]
George Punch, Sen.,	his x mark [L. s.]
Tauroomee,	his x mark [L. s.]
James Bigtree,	his x mark [L. s.]
Francis A. Hicks,	[L. s.]

Now, therefore, be it known, that I, JOHN TYLER, President of the United States of America, do, in pursuance of the advice and consent of

the Senate, as expressed in their resolution of the seventeenth day of August, one thousand eight hundred and forty-two, accept, ratify, and confirm the said treaty, with the amendments set forth in the said resolution.

In testimony whereof, I have caused the seal of the United States, to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, the fifth day of October, in the year of our Lord, one thousand eight hundred and forty-two,
[L. s.] and of the Independence of the United States the sixty-seventh.

JOHN TYLER.

By the President:

FLETCHER WEBSTER,
Acting Secretary of State.



92

TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
CREEK AND SEMINOLE TRIBES OF INDIANS.

CONCLUDED JANUARY 4, 1845; RATIFIED MARCH 6, 1845.

Wm. Q. Force, print, Washington.





JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, Greeting:

WHEREAS a treaty was made and concluded at the Creek Agency, on the fourth day of January, in the year of our Lord one thousand eight hundred and forty-five, between William Armstrong, P. M. Butler, James Logan, and Thomas L. Judge, Commissioners, in behalf of the United States, of the first part; the Creek tribe of Indians, of the second part; and the Seminole tribe of Indians, of the third part:

And whereas, the said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the sixth day of March, one thousand eight hundred and forty-five, advise and consent to the ratification of said treaty, with certain amendments:

And whereas the said Indians did, by their Chiefs and Head Men, in full council assembled, on the twenty-eighth day of May, one thousand eight hundred and forty-five, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid; which treaty, resolution of the Senate making the amendments to said treaty, and the assent of the Indians to said amendments, are in the words following, to wit:

ARTICLES OF A TREATY made by William Armstrong, P. M. Butler, James Logan, and Thomas L. Judge, Commissioners in behalf of the United States, of the first part; the Creek tribe of Indians, of the second; and the Seminole tribe of Indians, of the third part:

Whereas it was stipulated, in the fourth article of the Creek treaty of 1833, that the Seminoles should thenceforward be considered a constituent part of the Creek nation, and that a permanent and comfortable home should be secured for them on the lands set apart in said treaty as the country of the Creeks; and whereas many of the Seminoles have settled and are now living in the Creek country, while others, constituting a large portion of the tribe, have refused to make their homes in any part thereof, assigning as a reason that they are unwilling to submit to Creek laws and government, and that they are apprehensive of being deprived by the Creek authorities of their property; and whereas repeated complaints have been made to the United States Government, that those of the Seminoles

who refuse to go into the Creek country, have, without authority or right, settled upon lands secured to other tribes, and that they have committed numerous and extensive depredations upon the property of those upon whose lands they have intruded:

Now, therefore, in order to reconcile all difficulties respecting location and jurisdiction, to settle all disputed questions which have arisen, or may hereafter arise, in regard to rights of property, and especially to preserve the peace of the frontier, seriously endangered by the restless and warlike spirit of the intruding Seminoles, the parties to this treaty have agreed to the following stipulations:

ARTICLE 1. The Creeks agree that the Seminoles shall be entitled to settle in a body or separately, as they please, in any part of the Creek country; that they shall make their own town regulations, subject, however, to the general control of the Creek council, in which they shall be represented; and, in short, that no distinction shall be made between the two tribes in any respect, except in the management of their pecuniary affairs, in which neither shall interfere with the other.

ARTICLE 2. The Seminoles agree that those of their tribe who have not done so before the ratification of this treaty, shall, immediately thereafter, remove to and permanently settle in the Creek country.

ARTICLE 3. It is mutually agreed by the Creeks and Seminoles that all contested cases between the two tribes, concerning the right of property, growing out of sales or transactions that may have occurred previous to the ratification of this treaty, shall be subject to the decision of the President of the United States.

ARTICLE 4. The Creeks being greatly dissatisfied with the manner in which their boundaries were adjusted by the treaty of 1833, which they say they did not understand until after its execution; and it appearing that in said treaty no addition was made to their country for the use of the Seminoles, but that, on the contrary, they were deprived, without adequate compensation, of a considerable extent of valuable territory: And, moreover, the Seminoles since the Creeks first agreed to receive them, having been engaged in a protracted and bloody contest, which has naturally engendered feelings and habits calculated to make them troublesome neighbors: The United States, in consideration of these circumstances, agree that an additional annuity of three thousand dollars for purposes of education shall be allowed for the term of twenty years; that the annuity of three thousand dollars provided in the treaty of 1832 for like purposes shall be continued until the determination of the additional annuity above mentioned. It is further agreed that all the education funds of the Creeks, including the annuities above named, the annual allowance of one thousand dollars, provided in the treaty of 1833, and also all balances of appropriations for education annuities, that may be due from the United States, shall be expended in their own country for the support of a manual labor school in the Canadian District, and of another in the Arkansas District; provided that the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed that, in the management of such schools, the wishes of the Creek council shall be consulted.

ARTICLE 5. The Seminoles having expressed a desire to settle in a body on Little River, some distance westward of the present residence of the greater portion of them, it is agreed that rations shall be issued to such as may remove while on their way to their new homes; and that, after their emigration is completed, the whole tribe shall be subsisted for six months, due notice to be given that those who do not come into the Creek country before the issue commences shall be excluded. And it is distinctly understood that all those Seminoles, except

those now in Florida, who refuse to remove to and settle in the Creek country within six months after this treaty is ratified, shall not participate in any of the benefits it provides.

ARTICLE 6. The sum of fifteen thousand four hundred dollars, provided in the second article of the treaty of Payne's Landing, shall be paid in the manner therein pointed out, immediately after the emigration of those Seminoles who may remove to the Creek country is completed. Also, as soon after such emigration as practicable, the annuity of three thousand dollars for fifteen years provided in the fourth article of said treaty, and, in addition thereto, for the same period, two thousand dollars per annum in goods suited to their wants, to be equally divided among all the members of the tribe.

ARTICLE 7. In full satisfaction and discharge of all claims for property left or abandoned in Florida at the request of the officers of the United States under promise of remuneration, one thousand dollars per annum, in agricultural implements, shall be furnished the Seminoles for five years.

ARTICLE 8. To avoid all danger of encroachments on the part of either Creeks or Seminoles upon the territory of other nations, the northern and western boundary lines of the Creek country shall be plainly and distinctly marked.

In witness whereof, the said Commissioners and the undersigned Chiefs and Head Men of the Creek and Seminole tribes, have hereunto set their hands, at the Creek Agency, this fourth day of January, 1845.

WM. ARMSTRONG,

Actg Superintendent Western Territory.

P. M. BUTLER, *Cher. Agent.*

JAMES LOGAN, *Creek Agent.*

THOMAS L. JUDGE,

Seminole Sub-Agent.

CREEKS.

Ro'y McIntosh,	his x mark.
To-mar-th-le Micoo,	his x mark.
En-saula Harjo,	his x mark.
O-poeth-le Yoholo,	his x mark.
Yargoe,	his x mark.
Samuel Miller,	his x mark.
Cot-cher Tustunnuggee,	his x mark.
K. Lewis,	
Tuskuner Harjo,	his x mark.
Tintlanis Harjo,	his x mark.
To-coso Fixico,	his x mark.
Samuel C. Brown,	
Ho-tul-gar Harjo,	his x mark.
Oak-chun Harjo,	his x mark.
Art-tis Fixico,	his x mark.
Joseph Carr,	his x mark.
Ar-ar-te Harjo,	his x mark.
Sam'l Perryman,	his x mark.
O-switchee Elnathlar,	his x mark.

Tulloaf Harjo, his x mark.
 David Barnett, his x mark.
 Jim Boy, his x mark.
 B. Marshall.
 Tinthlanis Harjo, his x mark.
 Co-ath-coo-che Emarthlar, his x mark.
 Thlathlo Harjo, his x mark.
 E-cho Harjo, his x mark.
 Co-ah-thlocco, his x mark.
 Ke-anr-che Harjo, his x mark.
 No-coso Harjo, his x mark.
 Yar-dick-ah Harjo, his x mark.
 Yo-ho-lo, Chop-ko, his x mark.
 Phil Grayson, his x mark.
 Chu-ille, his x mark.
 E-cho Emarthis, his x mark.
 Pol-lot-ko, his x mark.
 Kot-che Harjo, his x mark.
 To-coso Micco, his x mark.
 Henry Marshall, his x mark.
 Matthew Marshall, his x mark.
 Che-was-tiah Fixico, his x mark.
 Tom Carr, his x mark.

SEMINOLES.

Mecanope, his x mark.
 Coal-coo-che, or Wild Cat, his x mark.
 Alligator, his x mark.
 Nogose Yoholo, his x mark.
 Halleck Tustunnuggee, his x mark.
 Emah-thloo-chee, his x mark.
 Octi-ar-chee, his x mark.
 Tus-se-kush, his x mark.
 Pos-cof-fur, his x mark.
 E-con-chat-to-micco, his x mark.
 Black Dirt, his x mark.
 Itch-hos-se Yo-ho-lo, his x mark.
 Kap-pe-chum-e-coo-che, his x mark.
 O-tul-ga Harjo, his x mark.
 Yo-ho-lo Harjo, his x mark.
 O-switches Emarthla, his x mark.
 Kub-lut-che, his x mark.
 An-lo-ne, his x mark.
 Yah-hah Fixico, his x mark.
 Fus-hat-chee Micco, his x mark.
 O-chee-see Micco, his x mark.
 Tus-tun-nug-goo-chee, his x mark.

In the presence of—

J. B. Luce, *Secretary to Commissioners.*
 Samuel C. Brown, *U. S. Interpreter.*
 B. Marshall, *Creek Nation Interpreter.*
 Abraham, *U. S. Interpreter for Seminoles,* his x mark.
 J. P. Davis, *Capt. U. S. A.*
 A. Cady, *Captain 6th Infantry.*
 J. B. S. Todd, *Captain 6th Infantry.*
 George W. Clarke.
 Jno. Dillard.

James L. Alexander.
 J. H. Heard.

IN EXECUTIVE SESSION OF THE SENATE OF THE UNITED STATES, MARCH 6, 1845.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made by William Armstrong, P. M. Butler, James Logan, and Thomas L. Judge, Commissioners in behalf of the United States, of the first part, the Creek tribe of Indians, of the second, and the Seminole tribe of Indians, of the third part, concluded at the Creek Agency, on the 4th day of January, eighteen hundred and forty-five, with the following

AMENDMENTS.

Strike out from the fourth article the following words: "in their own country, for the support of a manual labor school in the Canadian district, and of another in the Arkansas district; provided that the President does not object to such application of the annuities above named, granted in the treaties of 1832 and 1833. And it is also agreed, that, in the management of such schools, the wishes of the Creek council shall be consulted."

And insert, in lieu thereof, the following words: "*under the direction of the President of the United States for the purposes of education aforesaid.*"

Strike out from the fifth article the following words: "*except those now in Florida,*" and add, at the end of this article, the following: "*except those now in Florida, who shall be allowed twelve months from the date of the ratification of this treaty for their removal.*"

Attest:

ASBURY DICKINS, *Secretary.*

Whereas a treaty was made and concluded on the fourth day of January, 1845, between the United States, by William Armstrong, Acting Superintendent Western Territory, Pierce M. Butler, Cherokee Agent, James Logan, Creek Agent, and Thomas L. Judge, Sub-Agent for the Seminoles, and the Chiefs and Head Men of the Creek and Seminole tribes of Indians assembled in council; and whereas the Senate did, by resolution of March sixth, 1845, advise and consent to the ratification of said treaty with the following amendments:

Strike out from the fourth article the follow-

ing words: "in their own country for the support of a manual labor school in the Canadian district, and of another in the Arkansas district; provided that the President does not object to such application of the annuities above named granted in the treaties of 1832 and 1833. And it is also agreed that, in the management of such schools, the wishes of the Creek council shall be consulted;" and insert, in lieu thereof, the following words: "under the direction of the President of the United States, for the purposes of education aforesaid."

Strike out from the fifth article the following words: "except those now in Florida," and add, at the end of this article, the following words: "except those now in Florida, who shall be allowed twelve months from the date of the ratification of this treaty for their removal."

Now we, the Chiefs and Head Men of the Creek and Seminole tribes of Indians, do hereby consent to and ratify said amendments.

In testimony whereof, we hereunto place our hands, this twenty-eighth day of May, 1845.

Roley McIntosh,	his x mark.
To-marh-lo Micco,	his x mark.
Eufaula Harjo,	his x mark.
Tuckahatche Micco,	his x mark.
Co-weck-koo-che Emarth-	
lar,	his x mark.
Jim Hoy,	his x mark.
O-poeth-lo Yo-ho-lo,	his x mark.
Tuskunar Harjo,	his x mark.
David Barnett,	his x mark.
Nesh-jocco Chopko,	his x mark.
Tustunnuggee Chopko,	his x mark.
Curseta Micco,	his x mark.
Tuskunar Fixico,	his x mark.
Ho-lah-tah Micco,	his x mark.

NOW, THEREFORE, BE IT KNOWN, that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of March, one thousand eight hundred and forty-five, accept, ratify, and confirm the said treaty, with the amendments set forth in the said resolution.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, the eighteenth day of July, in the year of
[L. S.] our Lord one thousand eight hundred and forty-five, and of the Independence of the United States the seventieth.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,
Secretary of State.

Co-suh-nah-che Harjo,	his x mark.
Spoke-oak Micco,	his x mark.
Oak-chun Harjo,	his x mark.
Joseph Carr,	his x mark.
In-thlinnis Harjo,	his x mark.
K. Lewis.	
B. Marshall.	

In the presence of—

J. B. Luce, *Secretary to Commissioners*.
B. Marshall, *Interpreter*.
James Logan, *Creek Agent*.
Thos. L. Judge, *Sub-Agent Sem. Indians*.
Reuben Cook.
Wm. Whitfield.

SEMINOLES.

Mic-can-o-pe,	his x mark.
Co-sh-coo-che, or Wild Cat,	his x mark.
Alligator,	his x mark.
Ho-lat-tah Mic-coo-che,	his x mark.
Tus-se-kiah,	his x mark.
Halleck Tustunnuggee,	his x mark.
Oe-ti-ar-che,	his x mark.
Black Dirt,	his x mark.
George Cloud,	his x mark.
Cho-co-tee,	his x mark.
Pas-co-far,	his x mark.
Yo-ho-lo Harjo,	his x mark.
Kap-pe-chum-c-coo-che,	his x mark.
E-cho Emah-tahor-che,	his x mark.
Jim Jumper,	his x mark.

In the presence of—

J. B. Luce, *Secretary to Commissioners*.
Abraham U. S. *Interpreter*, his x mark.
Thos. L. Judge, *Sub. Ag't Sem. Indians*.
Thomas Hazen.
Charles L. Bailey.

94

JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting :

Whereas a treaty was made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, on the fifteenth day of May, A. D. one thousand eight hundred and forty-six, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States of America, of the one part, and the chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Tah-wah-carro, Wichita, and Wacoe tribes of Indians, and their associate bands, in behalf of their said tribes, of the other part; which treaty is word for word, as follows, viz :

Articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, this 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States of the one part, and the undersigned chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Tah-wa-carro, Wichita, and Wacoe tribes of Indians and their associate bands in behalf of their said tribes, on the other part.

ARTICLE I.

The undersigned, chiefs, warriors, and counsellors, for themselves and their said tribes or nations, do hereby acknowledge themselves to be under the protection of the United States, and of no other power, State, or sovereignty whatever.

ARTICLE II.

It is stipulated and agreed by the said tribes or nations, and their associate bands, that the United States shall have the sole and exclusive right of regulating trade and intercourse with them, and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade and intercourse, and to their agents and servants, but no person shall be permitted to reside among them as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent to be appointed by the President of the United States or such other person as the President shall authorize to grant such licenses, to the end that said Indians may not be imposed on in their trade; and if any licensed trader shall abuse his privilege by unfair dealing, upon complaint by the chiefs to their

agents, and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States; and if any person shall intrude himself as a trader without such license, upon complaint he shall be dealt with according to law.

ARTICLE III.

The United States reserves to itself the right of working such mines as may be found within the Indian territory, and the said tribes pledge themselves to protect such persons as the President of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States.

ARTICLE IV.

The said tribes and their associate bands, agree to deliver by the first day of November next, to the superintendent of Indian affairs, to be appointed by the President, at such place as he may direct, due notice of which shall be given to the said tribes, all white persons, and negroes, who are now prisoners among any of the said tribes or nations, for which the United States agree to make to them a fair compensation; and the United States further agree to make all the prisoners taken from said tribes by Texas or the United States, shall be delivered up to the said tribes, at the same time, and place without charge. And when any member of any of said tribes or nations, and their associate bands, having in his possession an American prisoner or prison-

ers, white or black, shall refuse to give them up, the President of the United States shall have the privilege of sending among said tribes or nations such force as he may think necessary to take them; and the chiefs of the nations or tribes, parties to this treaty, pledge themselves to give protection and assistance to such persons as may be sent among them for this purpose.

ARTICLE V.

The said tribes or nations shall have the right of sending delegates to the city of Washington whenever they may think their interest requires it.

ARTICLE VI.

The said tribes and their associate bands pledge themselves to give notice to the agent of the United States, residing near them, of any designs which they may know or suspect to [be] formed in any neighboring tribe, or by any person whatever, against the peace and interests of the United States.

ARTICLE VII.

It is agreed that if any Indian or Indians shall commit a murder or robbery on any citizen of the United States, the tribe or nation, to which the offender belongs shall deliver up the person or persons so complained of on complaint being made to their chief, to the nearest post of the United States, to the end that he or they may be tried, and if found guilty, punished according to the law of the State or Territory where such offence may have been committed. In like manner, if any subject or citizen of the United States shall commit murder or robbery on any Indian or Indians of the said tribes or nations, up-

on complaint thereof to the agent residing near them, he or they shall be arrested, tried, and punished according to the law of the State or Territory, where such offence may have been committed.

ARTICLE VIII.

The practice of stealing horses has prevailed very much to the great disquiet of the citizens of the United States, and, if persisted in, cannot fail to involve both the United States and the Indians in endless strife. It is therefore agreed that it shall be put an entire stop to on both sides. Nevertheless, should bad men in defiance of this agreement, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity according to the laws of the State or Territory where the offence may have been committed; and all horses so stolen, either by the Indians from the citizens of the United States, or by the citizens of the United States from any of the said tribes or nations into whose possession soever they may have passed, upon due proof of rightful ownership, shall be restored; and the chiefs of said tribes or nations shall give all necessary aid and protection to citizens of the United States in reclaiming and recovering such stolen horses; and the civil magistrates of the United States respectively shall give all necessary aid and protection to Indians in claiming and recovering such stolen horses.

ARTICLE IX.

For the protection of said Indians and for the purpose of carrying out the stipulations of this treaty more effectually, the President shall, at his discre-

tion, locate upon their borders, trading houses, agencies and posts. In consideration of the friendly disposition of said tribes, evidenced by the stipulations in the present treaty, the commissioners of the United States, in behalf of the said States, agree to give to the said tribes or nations goods as presents, at this time, and agree to give presents in goods to them to the amount of—next fall, at the Council Springs, on the Brazos, where this council is now held, or at some other point to be designated, and of which due notice shall be given to said tribes.

ARTICLE X.

The said tribes or nations and their associate bands are now, and forever agree to remain, at peace with the United States. All animosities for past offences are hereby mutually forgiven and forgotten, and the parties to this treaty pledge themselves to carry it into full execution, in good faith and sincerity.

ARTICLE XI.

And the said tribes and their associate bands, are now, and agree to remain friendly with such tribes as are now at peace with the United States, residing upon the waters of the Arkansas, Missouri, and Red rivers.

ARTICLE XII.

If any person or persons shall introduce ardent spirits or intoxicating liquors of any kind, among said tribes or nations, such person or persons shall be punished according to the laws of the United States, and the said tribes or nations agree to give immediate notice to the agent of the United States

residing near them, and to prevent by any means in their power the violation of this article of treaty.

tion shall be afforded them in the discharge of their duties.

ARTICLE XIII.

It is further agreed that blacksmiths shall be sent to reside among the said tribes or nations to keep their guns and farming utensils in order, as long and in such manner as the President may think proper. It is further agreed that school teachers, at the discretion of the President, shall be sent among the said tribes or nations for the purpose of instructing them; and the said tribes or nations agree that preachers of the gospel may travel or reside among them by permission of the President or his agents to be appointed, and that ample protec-

ARTICLE XIV.

The said tribes or nations, parties to this treaty, are anxious to be at peace with all other tribes or nations, and it is agreed that the President shall use his exertions in such manner as he may think proper to preserve friendly relations between the different tribes or nations parties to this treaty, and all other tribes of Indians under his jurisdiction.

Given under our hands and seals this day and date above.

P. M. BUTLER, } U. S. Com's.
M. G. LEWIS, }

Comanches.

Pah-lia-u-ca, or the Amorous Man,	[his x mark.
Mo-pe-chu-co-pe, or Old Owl,	[his x mark.
Cush-un-a-rah-ah, or Ravisher,	[his x mark.
Ka-bah-ha-moo, or Wont Smoke,	[his x mark.
O-ka-art-su or Rope Cutter,	[his x mark.
Moo-ra-que-top, or Nasty Mule,	[his x mark.
Ta-bup-pua-ta, or the Winner,	[his x mark.
Kai-tia-tah, or Little,	[his x mark.
Kai-he-na-mon-rah, Blind Man,	[his x mark.
Ao-chu-cah, Birdshouse,	[his x mark.
Pah-moo-wah-tah. No Tobacco,	[his x mark.
Mon-ne-con-nah-heh, Ring,	[his x mark.
Po-che-na-gua-heip, Buffalo Hump,	[his x mark.
Santa Anna,	[his x mark.
Sa ba-heit, Small Wolf,	[his x mark.
Quarah-ha-po-e, Atelope Road,	[his x mark.
Ka-nah-u-mah-ka, Nearly dead,	[his x mark.
Ish-a-me-a-qui, Travelling Wolf,	[his x mark.
Mo-he-ka, Pole cat,	[his x mark.
A-ka-chu-a-ta, No Horn,	[his x mark.
Ka-be-na-bo-ne, Blind Man,	[his x mark.
Ma-war-ra, The Lost,	[his x mark.
Ke-wid-da-wip-pa, Tall Woman,	[his x mark.
Pa-na-che, Mistletoe,	[his x mark.

Wacocks

We-ar-ras, Big Dog,	[his x mark
Hed-e-cok-isk, Double Barrelled.	[his x mark

Keeches

Sa-sed-da-quah, Dead Man,	[his x mark.
A-ko-ha-rai-at, Pursuer,	[his x mark.
Hens-ke-da-hick, Long Frock,	[his x mark.
Uks-que-ra-gua-ar-da, House Keeper,	[his x mark.
Ha-wi-da-sai-kish, Man Killer.	[his x mark.
No-cur-ra-oh-to-a-wa, Loud Talker,	[his x mark.
To-ka-rah, Black House,	[his x mark.
Ken-di ash-ush-sa, Narrow Escape.	[his x mark.

Tonkows

Ha-set-ta, Sitting by a River, (Campo.)	[his x mark
Ha-shu-ka-nah, Can't Kill Him, Placed on	[his x mark.
Cha-al-lah, Strong Man, (Jose,)	[his x mark.
Ka-sa, A Worshipper,	[his x mark.
Tron-ke-la, Thunder,	[his x mark.
Nic-co-na-nah, Killed an Indian on the Hill,	[his x mark.
Hose-Marca, or Aish,	[his x mark.
Be-cin-ta,	[his x mark.
Shell Chief, or Tow-a-ash,	[his x mark.
Bin-chah,	[his x mark.
Chick-a saw-che,	[his x mark.

Wicketas.

To-sa-quash, White Tail,	[his x mark.
Cho-wash-ta-ha-da, Runner,	[his x mark.
Kow-wah, Shirt Tail,	[his x mark.
Wich-gua-sa-is, Contrary,	[his x mark.
His-si-da-wah, Stubborn,	[his x mark.

Towa-karrocs

Ke-chi-ko-ra-ko, Stubborn,	[his x mark.
Nes-ho-chil-lash, Traveller,	[his x mark.
Na-co-ah, Dangerfield,	[his x mark.
Ka-ra-ko-ris, Deceiver,	[his x mark.
Ha-ke-di-ad-ah, Gallant Man,	[his x mark.

Wha-chia-ash-da, Looker-on,	[his x mark.
Wash-le-doi ro ka, Don't you do so,	[his x mark.
'Te-ah-kur-rah, Lightman,	[his x mark.
Sar-rah-de-od-a-sa, Straight Looker,	[his x mark.

Wacoos.

A-quu-gosh, Short Tail,	[his x mark.
Ho-hed-orah, Long ways over the river,	[his x mark.
Chos-toch-ka-a-wah, Charger,	[his x mark.
Cha-to-wait, Ghost.	[his x mark.

Thomas J. Wilson,	} Secretaries.
Isaac H. Du Val,	

Robt. S. Neighbors,	} Witnesses.
Hugh Rose,	
Jno. H. Rollins,	
Thomas J. Smith,	
E. Morehouse,	

his	} Interpreters.
Louis x Sanches,	
mark.	
his	
John x Conner,	
mark.	
his	}
Jim x Shaw,	
mark.	

And whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the fifteenth day of February, one thousand eight hundred and forty-seven, resolve as follows, viz:

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos river, the 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States, of the one

part, and the undersigned chiefs, counsellors, and warriors of the Comanche, I-on-i, Ana-da-ca, Cadoe, Lapan, Long-wha, Keechy, Sah-wah-carro, Wichita, and Wacoe tribes of Indians, and their associate bands, in behalf of their said tribes, on the other part, with the following amendments:

Strike out the third article of the treaty in the following words:

"ARTICLE III.

The United States reserves to itself the right of working such mines as may be found within the Indian territory: and the said tribes pledge themselves to protect such persons as the President

of the United States may send among them for that purpose. In order to guard against the perpetration of frauds upon the Indians, under pretext of hunting and working mines, no person shall be permitted to go among them for that purpose, except by express license from the President of the United States."

Strike out the fifth article of the treaty in the following words:

NOW, THEREFORE, be it known that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of February, one thousand eight hundred and forty-seven, accept, ratify and confirm the said treaty with the amendments, set forth in the said resolution.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the City of Washington, the eighth day of March, in the year of our Lord one thousand eight hundred and forty-seven, and of the Independence of the United States of America, the seventy-first.

JAMES K. POLK.

BY THE PRESIDENT :

JAMES BUCHANAN,

Secretary of State.

"ARTICLE V.

The said tribes or nations shall have the right of sending delegates to the city of Washington, whenever they may think their interest requires it."

In article 9, line 10, after the word "of," insert *ten thousand dollars*.

In article 9, line 11, strike out the words "next fall," and insert, *at such time as the President of the United States may think proper*.



95

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE POTTOWAUTOMIE TRIBE OF INDIANS.

CONCLUDED JUNE 5TH, 1846. RATIFIED JULY 22D, 1846.

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JAMES K. POLK.

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting:

WHEREAS a treaty was made and concluded at the Agency on the Missouri river, near Council Bluffs, on the fifth day of June, and at Pottawatomic creek, near the Osage river, south and west of the State of Missouri, on the seventeenth day of the same month, in the year of our Lord one thousand eight hundred and forty-six, between T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, commissioners on the part of the United States, on the one part, and the various bands of the Pottawatomic, Chippewas, and Ottawas Indians on the other part; which treaty is word for word as follows, to wit:

WHEREAS the various bands of the Pottowautomie Indians, known as the Chippewas, Ottawas, and Pottowautomies, the Pottowautomies of the Prairie, the Pottowautomies of the Wabash, and the Pottowautomies of Indiana, have, subsequent to the year 1828, entered into separate and distinct treaties with the United States, by which they have been separated and located in different countries, and difficulties have arisen as to the proper distribution of the stipulations under various treaties, and being the same people by kindred, by feeling, and by language, and having, in former periods, lived on and owned their lands in common; and being desirous to unite in one common country, and again become one people, and receive their annuities and other benefits in common; and to abolish all minor distinctions of bands by which they have heretofore been divided, and are anxious to be known only as the POTTOWAUTOMIE NATION, thereby reinstating the national character; and whereas the United States are also anxious to restore and concentrate said tribes to a state so desirable and necessary for the happiness of their people, as well as to enable the government to arrange and manage its intercourse with them: now, therefore, the United States and the said Indians do hereby agree that the said people shall hereafter be known as a nation, to be called the POTTOWAUTOMIE NATION; and to the following:

ARTICLES OF A TREATY made and concluded at the Agency on the Missouri river, near Council Bluffs, on the fifth day of June, and at Pottawatomic creek, near the Osage river, south and west of the State of Missouri, on the seventeenth day of the same month, in the year of our Lord one thousand eight hundred and forty-six, between T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, commissioners on the part of the United States, on the one part, and the various bands of the Pottowautomic, Chippewas, and Ottawas Indians on the other part:

ARTICLE 1. It is solemnly agreed that the peace and friendship which so happily exist between the people of the United States and the Pottowautomie Indians shall continue

forever. The said tribes of Indians giving assurance, hereby, of fidelity and friendship to the government and people of the United States; and the United States giving, at the same time, promise of all proper care and parental protection.

ARTICLE 2. The said tribes of Indians hereby agree to sell and cede, and do hereby sell and cede to the United States, all the lands to which they have claim of any kind whatsoever, and especially the tracts or parcels of lands ceded to them by the treaty of Chicago, and subsequent thereto, and now, in whole or in part, possessed by their people, lying and being north of the river Missouri, and embraced in the limits of the Territory of Iowa; and also all that tract of country

lying and being on or near the Osage river, and west of the State of Missouri: it being understood that these cessions are not to affect the title of said Indians to any grants or reservations made to them by former treaties.

ARTICLE 3. In consideration of the foregoing cessions, or sales of land to the United States, it is agreed to pay to said tribes of Indians the sum of eight hundred and fifty thousand dollars, subject to the conditions, deductions, and liabilities provided for in the subsequent articles of this treaty.

ARTICLE 4. The United States agree to grant to the said united tribes of Indians possession and title to a tract or parcel of land containing five hundred and seventy six thousand acres, being thirty miles square, and being the eastern part of the lands ceded to the United States by the Kansas tribe of Indians, by treaty concluded on the 14th day of January, and ratified on the fifteenth of April of the present year, lying adjoining the Shawnees on the south, and the Delawares and Shawnees on the east, on both sides of the Kansas river, and to guarantee the full and complete possession of the same to the Pottowautomic nation, parties to this treaty, as their land and home forever; for which they are to pay the United States the sum of eighty seven thousand dollars, to be deducted from the gross sum promised to them in the 3d article of this treaty.

ARTICLE 5. The United States agree to pay said nation of Indians, at the first annuity payment after the ratification of this treaty, and after an appropriation shall have been made by Congress, the sum of fifty thousand dollars, out of the aggregate sum granted in the third article of this treaty, to enable said Indians to arrange their affairs, and pay their just debts before leaving their present homes; to pay for their improvements; to purchase wagons, horses and other means of transportation, and pay individuals for the loss of property necessarily sacrificed in moving to their new homes: said sum to be paid, in open council, by the proper agents of the United States, and in such just proportions, to each band, as the President of the United States may direct.

ARTICLE 6. The said tribes of Indians agree to remove to their new homes on the Kansas river, within two years from the ratification of this treaty; and further agree to set apart the sum of twenty thousand dollars to the noper bands, (being ten dollars per head,) and ten thousand dollars to the lower

bands, (being five dollars per head,) to pay the actual expenses of removing; and the sum of forty thousand dollars for all the bands, as subsistence money, for the first twelve months after their arrival at their new homes; to be paid to them so soon as their arrival at their new homes is made known to the government, and convenient arrangements can be made to pay the same, between the parties to this treaty: the aforesaid sums to be also deducted from the aggregate sum granted by the United States to said tribes of Indians by the 3d article of this treaty.

ARTICLE 7. The balance of the said sum of eight hundred fifty thousand dollars, after deducting the cost of removal and subsistence, &c., it is agreed shall remain with the United States, *in trust* for said Indians, and an interest of five per cent annually paid thereon, commencing at the expiration of one year after the removal of said Indians, &c., continuing for thirty years, and until the nation shall be reduced below one thousand souls. If, after the expiration of thirty years, or any period thereafter, it shall be ascertained that the nation is reduced below that number, the said annuity shall thenforth be paid *pro rata* so long as they shall exist as a separate and distinct nation, in proportion as the present number shall bear to the number then in existence.

ARTICLE 8. It is agreed upon by the parties to this treaty that, after the removal of the Pottowautomic nation to the Kansas country, the annual interest of their "improvement fund" shall be paid out promptly and fully, for their benefit, at their new homes: If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottowautomic nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons or purchase of Machines or implements, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid at the time of the general payment of annuities. It is also agreed that, after the expiration of two years from the ratification of this treaty, the school fund of the Pottowautomics shall be expended, entirely in their own country, unless their people in council, should at any time express a desire to have any part of the same expended in a different manner.

ARTICLE 9. It is agreed by the parties to this treaty that the buildings occupied as a missionary establishment, including twenty

acres of land now under fence, shall be reserved for the use of the government agency; also the houses used for blacksmith house and shop shall be reserved for the use of the Pottowautomie smith; but should the property cease to be used for the aforementioned purposes, then it shall revert to the use of the Pottowautomie nation.

ARTICLE 10. It is agreed that hereafter there shall be paid to the Pottowautomie nation, annually, the sum of three hundred dollars, in lieu of the two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated to be paid to the Pottowautomies under the third article of the treaty of September 20, 1828.

In testimony whereof, T. P. Andrews, Thomas H. Harvey, and Gideon C. Matlock, aforesaid commissioners, and the chiefs and principal men of the Pottowautomie, Ottawa, and Chippewas tribes of Indians, have set their hands at the time and place first mentioned.

T. P. ANDREWS, }
TH. H. HARVEY, } Commissioners.
G. C. MATLOCK, }

Ween-co,	his x mark.
Joseph Le Frambeau, interpreter,	his x mark.
Pierre or Perish Le Clerk,	his x mark.
M. B. Beaubien, interpreter,	
Pess-co-ank, (Distant Thunder,)	his x mark
Naut-wish-cus,	his x mark.
Ob-nob, (or he Looks Back,)	his x mark.
Pam-wa-mash-kuck,	his x mark.
Paec-qui-pa-chce,	his x mark.
Ma-shaus, (the Cutter,)	his x mark.
Ci-co,	his x mark.
Francois Bourbonnai.	
Chas. H. Beaubien.	
Shau-on-nees.	
Paskal Miller.	
Joseph Glaudeau.	
Joseph Loughton.	
Ca-ts-we-num, (the Black Dog,)	his x mark.
Sine-pe-num,	his x mark.
Chatt-tec, (the Pelican,)	his x mark.
Me-shik-ke.an,	his x mark.
Teh-cah-co, (Spotted Fawn,)	his x mark.
Ca-shah-kee, (the Craw Fish,)	his x mark.
Shem-me-nah,	his x mark.
Nah-kee-shuck, (In the Air,)	his x mark.
Mich-e-wee-tah, (Bad Name,)	his x mark.
Patte-co-to,	his x mark.
Shau-bon-ni-agh,	his x mark.
Kah-bon-cagh,	his x mark.
Wock-quet,	his x mark.

WITNESSES.

Mi-au-m'ee, (the Young Miami,)	his x mark.
Op-te-gee-shuck, (or Half Day,)	his x mark.
Wa-sow-o-ko-uck, (or the Lightning,)	his x mark.
Kem-me-kas, (or Bead,)	his x mark.
Mi-ques, (or the Wampum,)	his x mark.
Wab-na-ne-me, (or White Pigeon,)	his x mark.
Na-no-no-uit, (or Like the Wind,)	his x mark.
Patt-co-shuck, junior,	his x mark.
Catte-nab-mee, (the Close Observer,)	his x mark.
Wap-que-shuck, (or White Cedar,)	his x mark.
Pack- quon, (or the Rib,)	his x mark.
Sena-tehe-wan, (or Swift Current,)	his x mark.
Shaub-poi-tuck, (the Man goes Through,)	his x mark.
Wab- sai, (or White Skin,)	his x mark.
Shaum-num-teh, (or Medicine Man,)	his x mark.
Nah-o-sah, (the Walker,)	his x mark.
Keahh,	his x mark.
Ne-ah-we-quot, (the Four Faces,)	his x mark.
Wa-sash-kuck, (or the Grass Turner,)	his x mark.
Ke-ton-ne-co, (or the Kidneys,)	his x mark.
Sah-ken-na-ne-be,	his x mark.
Etwa-gee-shuck,	his x mark.
Saass-pucks-kum, (or Green Leaf,)	his x mark.
Ko-wa-ko-to, (Black Cloud Turning,)	his x mark.
Meek-sa-mack, (the Wampum,)	his x mark.
Chau-cose, (Little Crane,)	his x mark.
Co-shae wais, (Tree top,)	his x mark.
Patt-qui,	his x mark.
Mc-shuk-to-no,	his x mark.

R. B. Mitchell, Indian sub-agent.	
Richard Pearson,	T. D. S. McDonnell,
A. G. Wilson,	W. R. English,
S. W. Smith,	S. E. Wicks,
Edward Pore,	Lewis Kennedy,
John H. Whitehead,	L. T. Tate,
John Copeland,	

We, the undersigned, chiefs and head men, and representatives of the Wabash, St. Joseph, and Prairie bands of the Ottawa, Chippewas, and Pottowautomie Indians, do hereby accept, ratify, and confirm the foregoing articles of a treaty in all particulars. Done at Pottowautomie creek, near the Osage river, west and south of the State of Missouri, this seventeenth day of June, A. D., 1816.

To-pen-e-be,	his x mark.
We-we-say,	his x mark.
Gah-gah-amo,	his x mark.
I-o-way,	his x mark.
Mah-go-quick,	his x mark.
Zlah-wee,	his x mark.
Louison,	his x mark.
Mash-kum-me,	his x mark.
Crane,	his x mark.
Esk-bug-ge,	his x mark.
No-a-ah-kye,	his x mark.

Abraham Burnet,	his x mark.	Ke-sis,	his x mark.
Ma-gis-gize,	his x mark.	Pame-qe-yah,	his x mark.
Nas-wah-gay,	his x mark.	Peme-nuck,	his x mark.
Pok-to,	his x mark.	Be-to-quah,	his x mark.
Little Bird,	his x mark.	Mesha-de,	his x mark.
Shim-nah,	his x mark.	William Hendricks,	his x mark.
Ma-kda-wah,	his x mark.	Nma-quiae,	his x mark.
Black Wolf,	his x mark.	Mas-co,	his x mark.
Root,	his x mark.	Peter Moose,	his x mark.
Niena-kto,	his x mark.	Kah-dot,	his x mark.
Ma-je-sah,	his x mark.	Za-k-ta,	his x mark.
Mah-suck,	his x mark.	Ah-bdali-sqa,	his x mark.
Bade-je-zha,	his x mark.	Wah-nuck-ke,	his x mark.
Kah-shqua,	his x mark.	Wah-be-enn-do,	his x mark.
Little American,	his x mark.	At-yah-she,	his x mark.
Match-kay,	his x mark.	Qua-qua-tah,	his x mark.
Wane-mage,	his x mark.	Nah-nim-muck-shuck,	his x mark.
Wah-wah-suck 2d,	his x mark.	Antoine,	his x mark.
Black Bird,	his x mark.	No-zha-kum,	his x mark.
Wah-wah-suck 1st,	his x mark.	Na-che-wa,	his x mark.
Wah-mack, (Henry Clay,	his x mark.	Ahn-quot,	his x mark.
T-buck-ke,	his x mark.	Jos. N. Bourassa,	
Zah-gua,	his x mark.	Kka-mage,	his x mark.
N. D. Grover,	his x mark.	Jude W. Bourassa,	
Big Snake,	his x mark.	Bossman,	his x mark.
En-ne-byah,	his x mark.	Joel Barrow,	his x mark.
Jau-ge-mage,	his x mark.		
Sin-be-nim,	his x mark.		
No-clah-Koshig,	his x mark.		
Os-me-at,	his x mark.		
Wah-bah-koze,	his x mark.		
I-o-wa 2d,	his x mark.		
Wah-we-sueah,	his x mark.		
Mowa,	his x mark.		
Moses H. Scott,	his x mark.		
Kah-kee,	his x mark.		
Andrew Jackson,	his x mark.		

WITNESSES.

Joseph Bertrand, Jr.,	J. Lykins,
R. W. Cummins,	M. H. Scott,
Indian Agent,	Washn. Bossman,
Leonidas A. Vaughan,	John T. Jones,
Robert Simerwell,	James A. Poage,
Thomas Hurlburt,	Joseph Clymer, Jr.,
J. W. Polk,	W. W. Cleghorn.

NOW, THEREFORE, BE IT KNOWN that I, JAMES K. POLK, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-second of July, one thousand eight hundred and forty-six, accept, ratify, and confirm the same, and every article and clause thereof.

IN TESTIMONY WHEREOF, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the City of Washington, the twenty-third day of July, in the year of our Lord, one thousand eight hundred and forty-six; and of the Independence of the United States, the seventy-first.

JAMES K. POLK.

BY THE PRESIDENT:

JAMES BUCHANAN,

Secretary of State.



96

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

THE CHEROKEE NATION.

CONCLUDED 6th AUGUST, 1846.—RATIFIED ^{17th}~~24~~_A AUGUST, 1846.

REVUE

ANNUAIRE DE LA SOCIÉTÉ DE MÉDECINE

PARIS, 1854

1854

PARIS, 1854

PARIS, 1854

JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all, and singular to whom these presents shall come, Greeting:

Whereas a treaty was made and concluded at Washington, in the District of Columbia, on the sixth day of August, one thousand eight hundred and forty-six, between the United States of America, by their commissioners, Edmund Burke, William Armstrong, and Albion K. Parris; and John Ross, principal chief of the Cherokee Nation, David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement V. McNair, Stephen Foreman, John Drew, and Richard Field, delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as the "Treaty party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, delegates appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as "Western Cherokees," or old settlers:

And whereas, said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the eighth day of August, one thousand eight hundred and forty-six, advise and consent to the ratification of the same with certain amendments:

And whereas the said Cherokee Nation, by their principal chief and delegates aforesaid, the said "Treaty party" of the Cherokee tribe of Indians, and the said "Western Cherokees," or old settlers, by their delegates aforesaid, did, on the thirteenth day of August, one thousand eight hundred and forty-six, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid; which treaty, resolution of the Senate making the amendments to said treaty, and the assent of the said principal chief and delegates of the Cherokee Nation, and delegates of the "Treaty party," and "Western Cherokees," or old settlers, are in the words following, to wit:

ARTICLES of a treaty made and concluded at Washington, in the District of Columbia, between the United States	of America, by three commissioners, Edmund Burke, William Armstrong, and Albion K. Parris, and John Ross,
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principal chief of the Cherokee Nation, David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement V. McNair, Stephen Foreman, John Drew, and Richard Field, delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by and representing that portion of the Cherokee tribe of Indians known and recognised as the "Treaty party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, delegates appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as "Western Cherokees," or "Old Settlers."

Whereas serious difficulties have for a considerable time past existed between the different portions of the people constituting and recognised as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them; and whereas certain claims exist on the part of the Cherokee Nation, and portions of the Cherokee people, against the United States; therefore, with a view to the final and amicable settlement of the difficulties and claims before mentioned, it is mutually agreed by the several parties to this convention as follows—viz:

ARTICLE I.

That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit; and a patent shall be issued for the same, including the

eight hundred thousand acres purchased, together with the outlet west, promised by the United States, in conformity with the provisions relating thereto, contained in the third article of the treaty of 1835, and in the third section of the act of Congress, approved May 28th, 1830, which authorizes the President of the United States, in making exchanges of lands with the Indian tribes, "to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and if they perfer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same."

ARTICLE II.

All difficulties and differences heretofore existing between the several parties of the Cherokee Nation are hereby settled and adjusted, and shall, as far as possible, be forgotten and forever buried in oblivion. All party distinctions shall cease, except so far as they may be necessary to carry out this convention or treaty. A general amnesty is hereby declared. All offences and crimes committed by a citizen or citizens of the Cherokee Nation, against the Nation, or against an individual or individuals, are hereby pardoned. All Cherokees who are now out of the Nation, are invited and earnestly requested to return to their homes, where they may live in peace, assured that they shall not be prosecuted for any offence heretofore committed against the Cher

okee Nation, or any individual thereof. And this pardon and amnesty shall extend to all who may now be out of the Nation, and who shall return thereto on or before the 1st day of December next. The several parties agree to unite in enforcing the laws against all future offenders. Laws shall be passed for equal protection, and for the security of life, liberty, and property, and full authority shall be given by law, to all or any portion of the Cherokee people, peaceably to assemble and petition their own government, or the government of the United States, for the redress of grievances, and to discuss their rights. All armed police, light horse, and other military organization shall be abolished, and the laws enforced by the civil authority alone.

No one shall be punished for any crime or misdemeanor, except on conviction by a jury of his country, and the sentence of a court duly authorized by law to take cognizance of the offence. And it is further agreed, all fugitives from justice, except those included in the general amnesty herein stipulated, seeking refuge in the territory of the United States, shall be delivered up by the authorities of the United States to the Cherokee Nation for trial and punishment.

ARTICLE III.

Whereas certain claims have been allowed by the several boards of commissioners heretofore appointed under the treaty of 1835, for rents under the name of improvements and spoliation, and for property of which the Indians were dispossessed, provided for under the 16th article of the treaty of 1835; and whereas the said claims have been paid out of

the \$5,000,000 fund; and whereas said claims were not justly chargeable to that fund, but were to be paid by the United States, the said United States agree to reimburse the said fund, the amount thus charged to said fund, and the same shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty; and whereas a further amount has been allowed for reservations under the provisions of the 13th article of the treaty of 1835, by said commissioners, and has been paid out of the said fund, and which said sums were properly chargeable to, and should have been paid by the United States, the said United States further agree to reimburse the amounts thus paid for reservations to said fund; and whereas the expenses of making the treaty of New Echota were also paid out of said fund, when they should have been borne by the United States, the United States agree to reimburse the same, and also, to reimburse all other sums paid to any agent of the government, and improperly charged to said fund; and the same also shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty.

ARTICLE IV.

And whereas it has been decided by the board of commissioners recently appointed by the President of the United States to examine and adjust the claims and difficulties existing against and between the Cherokee people and the United States, as well as between the Cherokees themselves, that under the provisions of the treaty of 1828, as well as in conformity with the general policy of the United States in relation

to the Indian tribes, and the Cherokee nation in particular, that that portion of the Cherokee people known as the "Old Settlers," or "Western Cherokees," had no exclusive title to the territory ceded in that treaty, but that the same was intended for the use of, and to be the home for, the whole nation, including as well that portion then east, as that portion then west of the Mississippi; and whereas the said board of commissioners further decided that, inasmuch as the territory before mentioned became the common property of the whole Cherokee nation by the operation of the treaty of 1828, the Cherokees then west of the Mississippi, by the equitable operation of the same treaty, acquired a common interest in the lands occupied by the Cherokees east of the Mississippi river, as well as in those occupied by themselves west of that river, which interest should have been provided for in the treaty of 1835, but which was not, except in so far as they, as a constituent portion of the nation, retained, in proportion to their numbers, a common interest in the country west of the Mississippi, and in the general funds of the nation; and therefore they have an equitable claim upon the United States for the value of that interest, whatever it may be. Now, in order to ascertain the value of that interest, it is agreed that the following principle shall be adopted, viz: all the investments and expenditures which are properly chargeable upon the sums granted in the treaty of 1835, amounting in the whole to five millions six hundred thousand dollars, (which investments and expenditures are particularly enumerated in the 15th article of the treaty of 1835,) to be first deducted from said aggregate sum, thus ascertaining the residuum or amount which would, under such mar-

shalling of accounts, be left for *per capita* distribution among the Cherokees emigrating under the treaty of 1835, including all extravagant and improper expenditures, and then allow to the Old Settlers (or Western Cherokees) a sum equal to one-third part of said residuum, to be distributed *per capita* to each individual of said party of "Old Settlers" or "Western Cherokees." It is further agreed that so far as the Western Cherokees are concerned, in estimating the expense of removal and subsistence of an eastern Cherokee, to be charged to the aggregate fund of five million six hundred thousand dollars above mentioned, the sums for removal and subsistence stipulated in the 8th article of the treaty of 1835, as commutation money in those cases in which the parties entitled to it removed themselves, shall be adopted. And as it affects the settlement with the western Cherokees, there shall be no deduction from the fund before mentioned, in consideration of any payments which may hereafter be made out of said fund; and it is hereby further understood and agreed, that the principle above defined shall embrace all those Cherokees west of the Mississippi, who emigrated prior to the treaty of 1835.

In the consideration of the foregoing stipulation on the part of the United States, the "Western Cherokees" or "Old Settlers" hereby release and quit-claim to the United States all right, title, interest, or claim they may have to a common property in the Cherokee lands east of the Mississippi river, and to exclusive ownership to the lands ceded to them by the treaty of 1835 west of the Mississippi, including the outlet west, consenting and agreeing that the said lands, together with the eight hundred thousand acres ceded to the

Cherokees by the treaty of 1835, shall be and remain the common property of the whole Cherokee people, themselves included.

ARTICLE V.

It is mutually agreed that the *per capita* allowance to be given to the "Western" Cherokees" or "Old Settlers," upon the principle above stated, shall be held in trust by the government of the United States, and paid out to each individual belonging to that party or head of family, or his legal representatives, first deducting therefrom the sum of fifty thousand dollars, to be paid to the delegation of that portion of the Cherokee people who are parties to the treaty, to defray the expenses of prosecuting their claims against the Government of the United States, including the late Captain John Rogers. And it is further agreed, that the *per capita* allowance to be paid as aforesaid shall not be assignable, but shall be paid directly to the persons entitled to it, or to his heirs or legal representatives, by the agent of the United States, authorized to make such payments.

And it is further agreed that a committee of five persons shall be appointed by the President of the United States, from the party of "Old Settlers," whose duty it shall be, in conjunction with an agent of the United States, to ascertain what persons are entitled to the *per capita* allowance provided for in this and the preceding article.

ARTICLE VI.

And whereas many of that portion of the Cherokee people known and designated as the Treaty Party, have suffered losses and incurred expenses in consequence of the treaty of 1835, therefore,

to indemnify the Treaty Party, the United States agree to pay to the said Treaty Party the sum of one hundred and fifteen thousand dollars, of which the sum of five thousand dollars shall be paid by the United States to the heirs or legal representatives of Major Ridge, the sum of five thousand dollars to the heirs or legal representatives of John Ridge, and the sum of five thousand dollars to the heirs or legal representatives of Elias Boudinot, and the balance, being the sum of one hundred thousand dollars, which shall be paid by the United States, in such amounts and to such persons as may be certified by a committee to be appointed by the Treaty Party, and which committee shall consist of not exceeding five persons, and approved by an agent of the United States, to be entitled to receive the same for losses and damages sustained by them, or by those of whom they are the heirs or legal representatives: *Provided*, That out of the said balance of one hundred thousand dollars the present delegation of the Treaty Party may receive the sum of twenty-five thousand dollars, to be by them applied to the payment of claims and other expenses. And it is further provided that if the said sum of one hundred thousand dollars should not be sufficient to pay all the claims allowed for losses and damages, that then the same shall be paid to the said claimants *pro rata*, and which payments shall be in full of all claims and losses of the said Treaty Party.

ARTICLE VII.

The value of all salines, which were the private property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be ascertained by the

United States agent and a commissioner to be appointed by the Cherokee authorities; and should they be unable to agree, they shall select an umpire whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation; or the salines returned to their respective owners.

ARTICLE VIII.

The United States agree to pay to the Cherokee Nation the sum of two thousand dollars for a printing press, materials, and other property destroyed at that time; the sum of five thousand dollars, to be equally divided among all those whose arms were taken from them previous to their removal west by order of an officer of the United States; and the further sum of twenty thousand dollars in lieu of all claims of the Cherokee Nation as a nation, prior to the treaty of 1835, except all lands reserved, by treaties heretofore made, for school funds.

ARTICLE IX

The United States agree to make a fair and just settlement of all moneys due to the Cherokees, and subject to the *per capita* division under the treaty of 29th December, 1835, which said settlement shall exhibit all money properly expended under said treaty, and shall embrace all sums paid for improvements, ferries, spoiliations, removal, and subsistence, and commutation therefor, debts and claims upon the Cherokee Nation of Indians, for the additional quantity of land ceded to said nation; and the several sums provided in the several articles of the treaty to be invested as the general funds of the na-

tion; and, also, all sums which may be hereafter properly allowed and paid under the provisions of the treaty of 1835. The aggregate of which said several sums shall be deducted from the sum of six million six hundred and forty-seven thousand and sixty-seven dollars, and the balance thus found to be due shall be paid over *per capita* in equal amounts to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835, and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto.

ARTICLE X.

It is expressly agreed that nothing in the foregoing treaty contained, shall be so construed, as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi river had, or may have, under the treaty of 1835 and the supplement thereto.

ARTICLE XI

Whereas the Cherokee delegations contend that the amount expended for the one year's subsistence, after their arrival in the west, of the eastern Cherokees, is not properly chargeable to the treaty fund: It is hereby agreed that, that question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds; and if by the Cherokees, then to say, whether the subsistence shall be charged at a greater rate than thirty-three, thirty-three one-hundredths dollars per head; and also the question,

whether the Cherokee Nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum.

ARTICLE XII.

The western Cherokees, called "Old Settlers," in assenting to the general provisions of this treaty, in behalf of their people, have expressed their fixed opinion that, in making a settlement with them upon the basis herein established, the expenses incurred for the removal and subsistence of the Cherokees after the 23d day of May, 1838, should not be charged upon the five millions of dollars allowed to the Cherokees for their lands under the treaty of 1835, or on the fund provided by the third article of the supplement thereto; and that no part of the spoils for subsistence, or removal provided for by the several articles of said treaty and the supplement thereto, should be charged against them in their settlement for their interest in the Cherokee country east and west of the Mississippi river. And the delegation of "Old Settlers," or "Western Cherokees" propose that the question shall be submitted with this treaty to the decision of the Senate of the United States, of what portion, if any, of the expenditures made for removal, subsistence, and spoliation under the treaty of 1835, is properly and legally chargeable to the five million fund. And they will abide by the decision of the Senate.

ARTICLE XIII.

This treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

In testimony whereof, the said Edmund Burke, William Armstrong, and Albion K. Parris, commissioners as aforesaid, and the several delegations aforesaid, and the Cherokee nation and people have hereunto set their hands and seals at Washington aforesaid, this sixth day of August, in the year of our Lord, one thousand eight hundred and forty-six.

Edmund Burke, [seal.]

Wm. Armstrong, [seal.]

Albion K. Parris, [seal.]

Delegation of the Government party.

Jno. Ross, [seal.]

W. S. Coodey, [seal.]

R. Taylor, [seal.]

C. V. McNair, [seal.]

Stephen Foreman, [seal.]

John Drew, [seal.]

Richard Fields, [seal.]

Delegation of the Treaty party.

Geo. W. Adair, [seal.]

J. A. Bell, [seal.]

S. Watie, [seal.]

Joseph M. Lynch, [seal.]

John Huss, his x mark. [seal.]

Brice Martin, [seal.]

(by J. M. Lynch, his attorney.)

Delegation of the Old Settlers.

Jno. Brown, [seal.]

Wm. Dutch, his x mark [seal.]

John L. McCoy, [seal.]

Richard Drew, his x mark [seal.]

Ellis F. Phillips, [seal.]

In the presence of—

Joseph Bryan, of Alabama,

Geo. W. Paschal,

John P. Wolf, (secretary of board,)

W. S. Adair,

Jno. F. Wheeler.

IN EXECUTIVE SESSION, SENATE OF
THE UNITED STATES, AUGUST
8TH, 1846.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Washington, in the District of Columbia, the sixth day of August, in the year of our Lord, one thousand eight hundred and forty-six, between the United States of America by three commissioners, Edmund Burke, William Armstrong, and Albion K. Parris; and John Ross, principal chief of the Cherokee Nation, David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement F. McNair, Stephen Foreman, John Drew, and Richard Field, delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; Geo. W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as the "Treaty party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, delegates appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as "Western Cherokees" or "Old Settlers," with the following

AMENDMENTS.

Strike out of the fifth article the following words: "First deducting therefrom the sum of fifty thousand dollars to be paid to the delegation of that portion of the Cherokee people who are parties to the treaty, to defray the expenses of prosecuting their claims against the government of the United States, including the late Captain John Rogers."

Strike out the twelfth article of the treaty.

Attest: ASBURY DICKINS,
Secretary.

Wm. John Ross, principal chief of the Cherokee Nation, David Vann, Wm. S. Coody, Richard Taylor, T. H. Walker, Clement F. McNair, Stephen Foreman, John Drew, and Richard Field, delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as the "Treaty party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, delegates appointed by, and representing that portion of the Cherokee tribe of Indians known and recognised as "Western Cherokees," or "Old Settlers," do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States, on the eighth day of August, one thousand eight hundred and forty-six, to the treaty concluded by us with Edmund Burke, William Armstrong, and Albion K. Parris, commissioners, acting for and on behalf of the United States, on the sixth day of August, one thousand eight hundred and forty-six, the same having been submitted and fully explained to us by the Secretary of War, and Commissioner of Indian Affairs, on the part of the United States.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Washington, District of Columbia, the thirteenth day of August, one thousand eight hundred and forty-six.

Jno. Ross,	[seal.]
David Vann,	[seal.]
W. S. Coodey,	[seal.]
R. Taylor,	[seal.]
T. Walker,	[seal.]
C. V. McNair,	[seal.]

Stephen Foreman, [seal.]	Jno. Brown, [seal.]
(by Jno. Ross.)	Wm. Dutch, his x mark, [seal.]
John Drew, [seal.]	John L. McCoy, [seal.]
Richard Fields, [seal.]	Richard Drew, his x mark, [seal.]
Geo. W. Adair, [seal.]	Ellis F. Phillips, [seal.]
John A. Bell, [seal.]	Witnesses present—
Stand Watie, [seal.]	Spencer Jarnagin, U. S. S
J. M. Lynch, [seal.]	H. Miller,
Jno. Huss, his x mark, [seal.]	N. Quackenbush,
Brice Martin, [seal.]	W. Medill.
(by J. M. Lynch,	

Now *Therefore*, be it known that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth day of August, one thousand eight hundred and forty-six accept, ratify, and confirm the said treaty, with the amendments set forth in the said resolution.

In *testimony* whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

DONE at the City of Washington, the seventeenth day of August, in the year of our Lord, one thousand eight hundred and forty-six, and of the Independence of the United States, the seventy-first.

JAMES K. POLK.

BY THE PRESIDENT:

JAMES BUCHANAN,

Secretary of State.





91

TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
WINNEBAGO TRIBE OF INDIANS.

CONCLUDED OCTOBER 13, 1846—RATIFIED FEBRUARY 1, 1847.

JAMES K. POLK,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all and singular to whom these presents shall come, Greeting:

WHEREAS, a treaty was made and concluded at the city of Washington, on the thirteenth day of October, in the year one thousand eight hundred and forty-six, between the United States of the one part, by their commissioners, Albion K. Parris, John J. Abert, and T. P. Andrews, and the Winnebago tribe of Indians of the other part, by a full delegation of said tribe specially appointed by the chiefs, head men, and warriors thereof: which treaty is word for word, as follows, to wit:

Articles of a treaty made and concluded at the city of Washington, on the thirteenth day of October, in the year one thousand eight hundred and forty-six, between the United States, on the one part, by their commissioners, Albion K. Parris, John J. Abert, and T. P. Andrews, and the Winnebago tribe of Indians, of the other part, by a full delegation of said tribe specially appointed by the chiefs, head men, and warriors thereof.

ARTICLE 1. It is solemnly agreed, that the peace and friendship which exists between the people of the United States and the Winnebago Indians shall be perpetual. The said tribe of Indians giving assurance, hereby, of fidelity and friendship to the government and people of the United States, and the United States giving to them, at the same time, promise of all proper care and parental protection.

ARTICLE 2. The said tribe of Indians, hereby agree to cede and sell, and do hereby cede and sell to the United States, all right, title, interest, claim and privilege to all lands, where ever situated, now or heretofore occupied or claimed by said Indians, within the States and Territories of the United States, and especially to the country now occupied, inhabited, or in any way used by them, called the "Neutral Ground," which tract of country was assigned to said Indians by the 2d article of the treaty of Fort Armstrong, concluded on the 15th day of September, 1832, and ratified on the 13th day of February, following.

ARTICLE 3. In consideration of the foregoing purchase from, or cession by the said Indians, the United States hereby agree to purchase and give to

the said indians, as their home, to be held as all Indian lands are held, a tract of country north of St. Peters and west of the Mississippi rivers, of not less than eight hundred thousand acres, which shall be suitable to their habits, wants, and wishes: *Provided*, Such land can be obtained on just and reasonable terms.

ARTICLE 4. The United States agree to pay to said tribe of Indians the sum of one hundred and fifty thousand dollars for the land, and the sum of forty thousand dollars for release of hunting privileges, on the lands adjacent to their present home, making the sum of one hundred and ninety thousand dollars, being in further consideration of the cession or sale made to the United States by the 2d article of this treaty; to be paid as follows: Forty thousand dollars to enable them to comply with their present just engagements, and to cover the expenses of exploring and selecting (by their own people, or by an agent of their own appointment,) their new home; twenty thousand dollars in consideration of their removing themselves, and twenty thousand dollars in consideration of their subsisting themselves the first year after their removal; ten thousand dollars to be expended for breaking up and fencing lands, under the direction of the President of the United States, at their new home; ten thousand dollars to be set apart & applied under the direction of the President to the creation and carrying on of one or more manual labor schools for the benefit of said tribe of Indians; and five thousand dollars for building a saw and grist mill. The balance of said sum of one hundred and ninety thousand dollars, viz: eighty-five thousand dollars, to remain *in trust* with the United States, and five per cent. interest thereon, to be paid annually to said tribe or applied for their benefit, as the President

of the United States may, from time to time direct for the period of thirty years, which shall be in full payment of the said balance: *Provided*, That no part of the said consideration moneys shall be paid until after the arrival of said tribe of Indians at their new home, and appropriations shall have been made by Congress; and that the sums for meeting their present engagements, for removal and subsistence, and for exploring their new home, shall be paid to the chiefs in open council, in such manner as they in said council shall request.

ARTICLE 5. It is further agreed by the parties to this treaty that the said tribe of Indians shall remove to their new home within one year after the ratification of this treaty, and their new home shall have been procured for them, and they duly notified of the same.

ARTICLE 6. It is further agreed by the parties to this treaty, that the President may, at his discretion, (should he at any time be of opinion that the interest of the Indians would be thereby promoted,) direct that any portion of the money, not exceeding ten thousand dollars per annum, now paid in goods, as provided for by the last clause of the 4th article of the treaty of the 1st of November, 1837, be applied to the purchase of additional provisions, or to other purposes.

In testimony whereof the commissioners, Albion K. Parris, John J. Abert, and T. P. Andrews, and the undersigned chiefs, headmen, and delegates of the Winnebago tribe of Indians, have hereunto subscribed their names and affixed their seals, at the city of Washington, this thirteenth day of October, one thousand eight hundred and forty-six.

Commrs	{ ALBION K. PARRIS,	{ [L. S.]
	{ JOHN J. ABERT,	{ [L. S.]
	{ T. P. ANDREWS,	{ [L. S.]

Hoong-ho-no-kaw,	his x mark,	[seal.]
Is-jaw-go-bo-kaw,	his x mark,	[seal.]
Co-no-ha-ta-kaw,	his x mark,	[seal.]
Naw-hoo-skaw-kaw,	his x mark,	[seal.]
Shoong-skaw-kaw,	his x mark,	[seal.]
Kooz-a-ray-kaw,	his x mark,	[seal.]
Waw-ma-noo-ka-kaw,	his x mark,	[seal.]
Ha-naw-hoong-per-kaw,	his x mark,	[seal.]
Wo-gie-quā-kaw,	his x mark,	[seal.]
Waw-kon-chaw-she-shick-kaw,	his x mark.	[seal.]
Chas-chun-kaw,	his x mark,	[seal.]
Naw-hey-kee-kaw,	his x mark,	[seal.]
Ah-hoo-zheb-kaw,	his x mark,	[seal.]
Waw-wo-jaw-hee-kaw,	his x mark,	[seal.]
Babtist-Lasalica,	his x mark,	[seal.]
Waw-kon-chaw-per-kaw,	his x mark,	[seal.]
Kaw-how-ah-kaw,	his x mark,	[seal.]
Hakh-ee-nee-kaw,	his x mark,	[seal.]
Waw-kon-chaw-ho-no kaw,	his x mark,	[seal.]
Maw-hee-koo-shay-naw-zhee-kaw,	his x mark,	[seal.]
Maw-nee ho-no-nic,	his x mark,	[seal.]
Maw-ho-kee-wee-kaw,	his x mark,	[seal.]
Sho-go-uee-kaw,	his x mark,	[seal.]
Watch-ha-ta-kaw,		
By Henry M. Rice, his delgate, }		[seal.]

WITNESSES:

John C. Mullay, Secretary to Board of Commissioners,	
J. E. Fletcher, Sub-agent.	
S. B. Lowry,	} Interpreters,
Peter Mananaige,	
Antoine Grignon,	
his	
Simeon x Lecure,	
mark.	
H. L. Dousman.	
Richard Chute.	
John Haney.	
George Cahn.	
James Maher.	

Now, THEREFORE, be it known that I, JAMES K. POLK, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first day of February, eighteen hundred and forty-seven, accept, ratify and confirm the same, and every article and clause thereof.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the City of Washington, the fourth day of February, in the year of our Lord one thousand eight hundred and forty-seven, and of the Independence of the United States the seventy-first.

JAMES K. POLK.

BY THE PRESIDENT :

JAMES BUCHANAN,

Secretary of State.

98

TREATY

BETWEEN

THE UNITED STATES OF AMERICA,

AND THE

CHIPPEWA INDIANS OF THE MISSISSIPPI AND LAKE SUPERIOR.

CONCLUDED AUGUST 2, 1847.

RATIFIED APRIL 7, 1848.





JAMES K. POLK,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at the Fond-du-Lac of Lake Superior, on the second of August, in the year one thousand eight hundred and forty-seven, between the United States by their Commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen; which treaty is, word for word, as follows :

Articles of a treaty made and concluded at the Fond-du-Lac of Lake Superior on the second day of August, in the year one thousand eight hundred and forty-seven, between the United States by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen.

ARTICLE 1.

It is agreed that the peace and friendship which exists between the people of the United States and the Chippewa Indians shall be perpetual.

ARTICLE 2.

The Chippewa Indians of the Mississippi and Lake Superior cede and sell to the United States all the land within the following boundaries, viz : Beginning at the junction of the Crow Wing and Mississippi rivers, thence up the Crow Wing river to the junction of that river with the Long Prairie river, thence up the Long Prairie river to the boundary line between the Sioux and Chippewa Indians, thence southerly along the said boundary line to a lake at the head of Long Prairie river, thence in a direct line to the sources of the Watab river, thence down the Watab to the Mississippi river, thence up the Mississippi to the place of beginning ; and, also, all the interest and claim which the Indians parties to this treaty have in a tract of land lying upon and north of Long Prairie river, and called One-day's hunt ; but, as the boundary line between the Indians parties to this treaty, and the Chippewa Indians, commonly called " Pillagers," is indefinite, it is agreed that before the United States use or occupy the said tract of land north of Long Prairie river, the boundary line between the said tract and the Pillager Lands shall be defined and settled to the satisfaction of the Pillagers.

ARTICLE 3.

In consideration of the foregoing cession, the United States agree to pay to the chiefs of the Chippewas of Lake Superior seventeen thousand dollars in specie, and to the chiefs of the Chippewas of the Mississippi seventeen thousand dollars in specie ; the above sums to be paid at such place or places as the President shall direct, and to be paid within six months after this treaty shall be ratified by the President and Senate of the United States ; and the United States further agree to pay to the chiefs of the Mississippi Indians the sum of one thousand dollars annually for forty-six years ; but it is agreed that whenever the Chippewas of the Mississippi shall agree as to the schools to be established, and the places at which they shall be located, the number of blacksmiths and laborers to be employed for them, and shall request the United States to expend, from year to year, the annual payments remaining unpaid, in the support of schools, blacksmiths, and laborers, the same shall be expended by the United States for such purposes ; and that Chippewas of full or mixed blood, shall be employed as teachers, blacksmiths, and laborers, when such persons can be employed who are competent to perform the duties required of them under this and all former treaties.

ARTICLE 4.

It is stipulated that the half or mixed bloods of the Chippewas residing with them shall be considered Chippewa Indians and shall, as such, be allowed to participate in all annuities which shall hereafter be paid to the Chippewas of the Mississippi and Lake Superior, due them by this treaty, and by the treaties heretofore made and ratified.

ARTICLE 5.

The United States agree to establish an agen-

cy on or near the Mississippi river, at a point convenient for the Chippewas of the Mississippi, immediately after the ratification of this treaty, or as soon thereafter as may be, to be located at such point as the President shall direct, and the amount of annuities to which the Chippewas of the Mississippi are entitled under this and all former treaties shall be paid to them at the said agency, and the amount of their just

proportion of annuities resulting from former treaties shall be determined by the President.

ARTICLE 6.

This treaty shall be obligatory upon the contracting parties when ratified by the President and Senate of the United States

In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners as aforesaid, and the chiefs, headmen, and warriors of the Chippewas of the Mississippi and Lake Superior, have hereunto set their hands, at the Fond-du-Lac of Lake Superior, this second day of August, in the year one thousand eight hundred and forty-seven.

ISAAC A. VERPLANK,
HENRY M. RICE.

Kai-ah-want-eda, 2d chief,
Waub-o-jee, 1st chief,
Uttom-auh, 1st warrior,
Shen-goob, 1st warrior,
Que-wish-an-sish, 1st warrior,
Maj-c-gah-hon, 2d warrior,
Kag-gag-e we-guon, warrior,
Mab-uk-un-ig, warrior,
Nag-aun-cg-a-bon, 2d chief,
Wan-je-ke-shig-uk, chief,
Kow-az-run-ig-i-h-kung, warrior,
Ke-che-wah-keek, 1st chief,
Gab-im-ub-he, chief,
Kee-che-waub-isl-ash, 1st chief,
Nig-gig, 2d chief,
Ul-c-kum-ag, 2d chief,
Ta-che-go-onk, 3d chief,
Muk-no-a-wuk-und, warrior,
O-sho-gaz, warrior,
A-dow-c-re-chig, warrior,
Keech-Ri-tow-ng, 1st warrior,
I-aub-ans, chief,
Tug-wany-am-az, 2d chief,
O-Run-de-kun, chief,
Keech-re-tow-no, 2d chief,
Maj-c-wa-we-ching, 2d chief,
Ke-che-wa-mibeo-osk, 1st chief,
Mong-o-sit, 3d chief,
Mug-un-ub, 2d chief,
An-im-as-ung, 1st warrior,
Waub-ish-ashe, 1st chief,
Make-cen-gun, 2d chief,
Kee-wan-see, chief,
Ten-as-see, chief,
Nag-an-is, 2d chief,
Ke-chi-in-in-e, 1st warrior,
Ke-che-now-uj-c-min, chief,
Bus-e-guin-jis, warrior,
Shin-goob, 1st chief,
Shay-u-ash-cens, 1st chief,
Ud-ik-ons, 2d chief,
Me-zye, 4th chief,
David King, 1st chief,
Ma-tak-o-se-ga, 1st warrior,
Assurecens, 2d warrior,
Peter Marksman, chief,
Alexander Corbin, chief,
William W. W. Warren, 1st chief.

his x mark, Crow-wing.
his x mark, Gull lake.
his x mark, Crow-wing.
his x mark, Crow-wing.
his x mark, Gull lake.
his x mark, Crow-wing.
his x mark, Crow-wing.
his x mark, Crow-wing.
his x mark, Sandy-lake.
his x mark, Sandy-lake.
his x mark, Sandy-lake.
his x mark, St. Croix lake.
his x mark, Pelican Lakes.
his x mark, Piche lakes.
his x mark, Lac-Flambeau.
his x mark, Lapointe.
his x mark, Lapointe.
his x mark, St. Croix.
his x mark, Lapointe.
his x mark, Lapointe.
his x mark, Rice lake.
his x mark, Lapointe.
his x mark, Ontonagin.
his x mark, Ontonagin.
his x mark, Puck a guno.
his x mark, Puck a guno.
his x mark, Fond-du-Lac.
his x mark, Fond-du-Lac.
his x mark, Fond-du-Lac.
his x mark, Chippeway river.
his x mark, Chippeway river.
his x mark, Lac Contereille.
his x mark, Puk-wa-wun.
his x mark, Lac Contereille.
his x mark, Puk-wa-wun.
his x mark, Turtle Portage.
his x mark, Lac-flambeau.
his x mark, Fond-du-Lac.
his x mark, Grand Portage.
his x mark, Grand Portage.
his x mark, Lapointe.
his x mark, Ance.
his x mark, Ance.
his x mark, Ance.

Jno. Ptn. Rellenger,	his x mark.
Charles Charlo,	his x mark.
Chief, Baptiste Gauthier,	his x mark.
Half Breeds—Lapointe Band.	
Chief, Vincent Roy,	his x mark.
Warrior, John Btse. Cadotte,	his x mark.
Second Chief, Lemo Sayer,	his x mark.
Warrior, Jhn. Btse. Roy,	his x mark.
Michel Bas-he-na,	his x mark.
Lueson Godin,	his x mark.
John Sayer,	his x mark.
Chief, Lueson Corbin,	his x mark.

Witnesses—

Wm. W. Warren, interpreter.
 Chas. H. Oakes, Lapointe.
 Roswell Hart, Rochester, New York.
 Henry Evans, Batavia, New York.
 A. Morrison.
 S. Hovers.
 Mamoci M. Samuel.
 Henry Blatchford, interpreter.
 William A. Aitken.
 Julius Ombrian.

The following signatures are those of chiefs and headmen parties to this treaty

Ke-nesh-te no, chief, Trout lake,	his x mark.
Mah-shah, 1st warrior,	his x mark, Lac-Flambeau.
Enash-ou-e-ke-shik, chief,	his x mark, Red Cedar lake.
Mah-ko-dah, 1st warrior,	his x mark, Mille Lac.
Pe-tud, 1st chief,	his x mark, Mille Lac.
Aunch-e-be-nas, 2d warrior,	his x mark, Mille Lac.
Mish-nack-in-ugo, warrior,	his x mark, Red Cedar lake.
Gah-nin-dum-a-win-so, first chief,	his x mark, Sandy lake.
Mis-quod-ase, warrior,	his x mark, “
Na-tum-e-gaw-bow, 2d chief,	his x mark, “
I-nh-be-doa-we-dung, warrior,	his x mark, “
Bi-a-jig, 1st chief,	his x mark, Pokaguno.
Joseph Montre, 1st chief, Mississippi half-breeds.	

Witnesses—

Wm. W. Warren,	} Interpreters.
Peter Marksmen	
Smith Hovers.	

The signature of No-din, or The Wind, written by his request on the 3d day of August, 1847, and with the consent of the commissioners—

No-din, or The Wind, his x mark.

In presence of William A. Aitkin, R. B. Carlton.

I approve of this treaty and consent to the same, August 3d, 1847. Fond-du-Lac.

Po-go-ne-gi-shik, or Hole-in-the-day, his x mark.

Witness—

William Aitkin,
 D. T. Sloan.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the third of April, eighteen hundred and forty-eight, resolve as follows:

In executive session Senate of the United States, April 3, 1848.

Resolved, (two thirds of the senators present concurring.) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at the Fond-du Lac of Lake Superior, on the second day of August, in the year 1847, between the United States, by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen, with the following amendments: Strike out of article 3 the words “the chiefs of” wherever they occur in said article. Insert in article 3 after the words “place or places” where they first occur, the following words: *and in such manner.*

Strike out the 5th article of the treaty, in the following words : " Article 5. The United States agree to establish an agency on or near the Mississippi river, at a point convenient for the Chippewas of the Mississippi, immediately after the ratification of this treaty, or as soon thereafter as may be, to be located at such point as the President shall direct; and the amount of annuities to which the Chippewas of the Mississippi are entitled under this and all former treaties shall be paid to them at the said agency; and the amount of their just proportion of annuities resulting from former treaties shall be determined by the President."

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of April, eighteen hundred and forty eight, accept, ratify, and confirm the said treaty, with the amendments set forth in the said resolution.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the City of Washington, the seventh day of April, in the year of our Lord one thousand eight hundred and forty-eight, and of the Independence of the United States of America the seventy-second.

JAMES K. POLK.

By THE PRESIDENT :

JAMES BUCHANAN, *Secretary of State.*

99

TREATY

BETWEEN

THE UNITED STATES OF AMERICA,

AND THE

PILLAGER BAND OF CHIPPEWA INDIANS,

CONCLUDED AUGUST 21, 1847.

RATIFIED APRIL 7, 1848.

1824

ANNUAL REPORT OF THE

COMMISSIONER OF THE

LAND OFFICE

FOR THE YEAR

1824

WASHINGTON: G. P. PUTNAM'S OFFICE, 1825.



JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS a treaty was made and concluded at Leech Lake on the twenty-first day of August, in the year one thousand eight hundred and forty-seven, between the United States by their Commissioners, Isaac A. Verplank and Henry M. Rice, and the Pillager band of Chippewa Indians by their chiefs, headmen, and warriors ; which treaty is word for word as follows, viz :

Articles of a treaty made and concluded at Leech Lake on the twenty-first day of August, in the year one thousand eight hundred and forty-seven, between the United States by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Pillager band of Chippewa Indians, by their chiefs, headmen, and warriors.

ARTICLE 1.

It is agreed that the peace and friendship which exists between the United States and the Indians parties to this treaty, shall be perpetual.

ARTICLE 2.

The Pillager band of Chippewa Indians hereby sell and cede to the United States all the country within the following boundaries, viz : Beginning at the south end of Otter Tail lake ; thence southerly on the boundary line between the Sioux and Chippewa Indians to Long Prairie river ; thence up said river to Crow Wing river ; thence up Crow Wing river to Leaf river ; thence up Leaf river to the head of said river ; and from thence in a direct line to the place of beginning.

ARTICLE 3.

It is stipulated that the country hereby ceded shall be held by the United States, as Indian and, untill otherwise ordered by the President.

ARTICLE 4.

In consideration of the foregoing cession, the United States agree to furnish to the Pillager band of Chippewa Indians annually, for five years, the following articles : Fifty three-point Mackinaw blankets, three hundred two-and-a-half-point Mackinaw blankets, fifty one and-a-half-point Mackinaw blankets, three hundred and forty yards of gray list cloth, four hundred and fifty yards of white list scarlet cloth, eighteen hundred yards of strong dark prints, assorted colors, one hundred and fifty pounds three-thread gray gilling twine, seventy-five pounds turtle twine, fifty bunches sturgeon twine, twenty-five pounds linen thread, two hundred combs, five thousand assorted needles, one hundred and fifty medal looking-glasses, ten pounds of vermilion, thirty nests (fourteen each) heavy tin kettles, five hundred pounds of tobacco, and five barrels of salt. And the United States further agree, that at the first payment made under this treaty, the Indians parties to this treaty shall receive as a present two hundred warranted beaver traps and seventy-five north-west guns.

ARTICLE 5.

This treaty shall be obligatory upon the parties thereto when ratified by the President and Senate of the United States. In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners, as aforesaid, and the chiefs, headmen, and warriors of the Pillager

band of Chippewa Indians, have hereunto set their hands, at Leech Lake, this twenty-first day of August, one thousand eight hundred and forty-seven.

ISAAC A. VERPLANK.
HENRY M. RICE.

GEORGE BONJA, Interpreter.

Aish-ke-bo-ge-Koshe, or Flat mouth, his x mark.
1st chief,
Ca-pe-ma-be, or Elder brother's son, his x mark.
2d chief,
Nia-je-ga-boi, or La Trappe, head his x mark.
warrior,
Ca-grouse, or Small Porcupine, his x mark.
headman,

Pe-ji-ke, or the Buffalo, 2d warrior, his x mark.
Ca-ken-ji-wi-nine, or Charcoal, 3d warrior, his x mark.
Na-bi-ne-ashe, or the Bird that flies on one side, 2d headman, his x mark.
Ne-ba-coim, or Night-thunder, warrior, his x mark.
Chang-a-so-nig, or Nine Fingers, 3d headman, his x mark.

Witness.—GEORGE BONJA, Interpreter,
A. MORRISON,
A. R. McLEOD,
J. W. LYNDE.

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third of April, one thousand eight hundred and forty-eight, accept, ratify, and confirm the same, and every article and clause thereof.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.



DONE at the City of Washington, the seventh day of April, in the year of our Lord one thousand eight hundred and forty-eight, and of the Independence of the United States of America the seventy-second.

JAMES K. POLK.

By THE PRESIDENT :

JAMES BUCHANAN, *Secretary of State.*



100

JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all to and singular whom these presents shall come, Greeting :

Whereas a treaty was made and concluded on the 6th day of August, A. D. 1848, at Fort Childs, near the head of Grand Island, on the south side of the Nebraska or Great Platte river, between Lieutenant Colonel Ludwell E. Powell, commanding battalion Missouri mounted volunteers, *en route* for Oregon, in behalf of the United States, and the chiefs and headmen of the four confederated bands of Pawnees, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, at present residing on the south side of Platte river; which treaty is word for word as follows, to wit:

Pawnee treaty, concluded August 6, 1848.

ARTICLES OF AGREEMENT and convention made this sixth day of August, A. D. 1848, at Fort Childs, near the head of Grand Island, on the south side of the Nebraska or Great Platte river, between Lieutenant Colonel Ludwell E. Powell, commanding battalion Missouri Mounted volunteers, *en route* to Oregon, in behalf of the United States, and the chiefs and headmen of the four confederated bands of Pawnees, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, at present residing on the south side of the Platte river:

ARTICLE I. The confederated hands of the Pawnees hereby cede and relinquish to the United States all their right, title, and interest in and to all that tract of land described as follows, viz: commencing on the south side of the Platte river five miles west of this post, (Fort Childs;) thence due north to the crest of the bluffs north of said Platte river; thence east and along the crest of said bluffs to the termination of Grand Island, supposed to be about sixty miles distant; thence south to the southern shore of said Platte river; and thence west and along the southern shore of the said Platte river to the place of beginning.

The land hereby conveyed is designated within the red lines of the following plat:

[NOTE.—The red lines in the original plat are designated by dotted lines in this copy.]

[For plat, see next column.]

ARTICLE II. In consideration of the land hereby ceded and relinquished, the United States has this day paid, through Capt. Stewart Van Vliet, assistant quartermaster United States Army, under an order from Lieut. Col. Ludwell E. Powell, commanding battalion Missouri mounted volunteers, to the said four bands collectively, on the execution of this treaty, the amount of two thousand dollars in goods and merchandise, the receipt of which is hereby acknowledged.

ARTICLE III. The United States shall have the privilege of using any hard timber that may at any time be needed, situate upon



Wood river, immediately north of the land hereby conveyed.

ARTICLE IV. The Pawnee nation renew their assurance of friendship for the white men, their fidelity to the United States, and their desire for peace with all the neighboring tribes of Indians.

The Pawnee nation, therefore, faithfully promise not to molest or injure the property or person of any white citizen of the United States, wherever found, nor to make war upon any tribe with whom said Pawnee tribes now are, or may hereafter be, at peace; but, should any difficulty arise, they agree to refer

the matter in dispute to such arbitration as the President of the United States may direct.

ARTICLE V. These articles of agreement and convention shall be binding and obligatory from this sixth day of August, A. D. 1848.

In testimony whereof, the said Lieutenant Colonel Ludwell E. Powell, commanding battalion Missouri Mounted volunteers, and the chiefs and headmen of the four confederated bands of Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappage, have hereunto signed their names, and affixed their seals, on the day and year aforesaid.

LUDWELL E. POWELL,

Lt. Col. Com'g Bat. Mo. Mounted Volunteers.

CHEF MALAIGNE,

Principal Chief of the four confederated bands,
his x mark.

Chiefs of—

Grand Pawnees.

Sha-re-ta-riche, his x mark.
Ah-iah-ra-scha, his x mark.

Pawnee Loups.

Ish-Ka-top-pa, his x mark.
French Chief, his x mark.
Big Chief, his x mark.

Pawnee Republicans.

La-lo-che-la-sha-ro, his x mark.
A-sha-la-la-cot-sha-lo, his x mark.
American Chief, his x mark.

Pawnee Tappage.

La-pa-ko-lo-lo-ho-la-sha, his x mark.
La-sha-pit-ko, his x mark.
Ta-ra-re-tappage, his x mark.

Executed and delivered in the presence of—

THO. J. TODD, Adj. Bat. Mo. Mt. Vls., Sec'y.

A. W. SUBLETTE, Capt. Co. A.

J. WALKER, A. S. U. S. Army.

W. R. RODGERS, Capt. Co. L.

DAVID McCausland, Capt. Co. B.

STEWART VAN VLIET, Capt. and A. Q. M. U.
S. A.

D. P. WOODBURY, Lieutenant Engineers.

J. W. KELLY, 2d Lieut. commanding Co. C.

SAML. J. LINGENFELTER.

ANT. LE FAIVRE.

PETER A. CARNES, Forage master.

J. B. SMALL, A. S. U. S. A.

F. JEFFREY DERGINE, Interpreter.

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth day of January, one thousand eight hundred and forty-nine, accept, ratify, and confirm the same, and every article and clause thereof.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington this eighteenth day of January, in the year of our [L. s.] Lord one thousand eight hundred and forty-nine, and of the independence of the United States of America the seventy-third.

JAMES K. POLK,

By the President:

JAMES BUCHANAN,

Secretary of State.



JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these Presents shall come, Greeting :

Whereas a treaty was made and concluded at Lake Powaw-hay-kon-nay, in the State of Wisconsin, on the eighteenth day of October, one thousand eight hundred and forty-eight, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, head men, and warriors of said tribe ; which treaty is, word for word, as follows, to wit :

ARTICLES OF A TREATY made and concluded at Lake Powaw-hay-kon-nay, in the State of Wisconsin, on the eighteenth day of October, one thousand eight hundred and forty-eight, between the United States of America, by William Medill, a commissioner duly appointed for that purpose, and the Menomonee tribe of Indians, by the chiefs, head men, and warriors of said tribe :

ARTICLE I. It is stipulated and solemnly agreed that the peace and friendship now so happily subsisting between the Government and people of the United States and the Menomonee Indians shall be perpetual.

ARTICLE II. The said Menomonee tribe of Indians agree to cede, and do hereby agree to cede, sell, and to relinquish to the United States all their lands in the State of Wisconsin, wherever situated.

ARTICLE III. In consideration of the foregoing cession, the United States agree to give, and do hereby give, to the said Indians for a home, to be held as Indian's lands are held, all that country or tract of land ceded to the said United States by the Chippewa Indians, of the Mississippi and Lake Superior, in the treaty of August 2, 1847, and the Pillager band of Chippewa Indians, in the treaty of August 21, 1847, which may not be assigned to the Winnebago Indians, under the treaty with that tribe of October 13, 1846, and which is guaranteed to contain not less than six hundred thousand acres.

ARTICLE IV. In further and full consideration of said cession, the United States agree to pay the sum of three hundred and fifty thousand dollars, at the several times, in the manner and for the purposes following, viz :

To the chiefs, as soon after the same shall be appropriated by Congress as may be convenient to enable them to arrange and settle the affairs of their tribe preparatory to their removal to the country set apart for, and given to them as above, thirty thousand dollars.

To such persons of mixed blood, and in such proportion to each, as the chiefs in council, and a commissioner to be appointed by the President, shall designate and determine,

and as soon after the appropriation thereof as may be found practicable and expedient, forty thousand dollars.

In such manner and at such times as the President shall prescribe, in consideration of their removing themselves, which they agree to do, without further cost or expense to the United States, twenty thousand dollars.

In such manner and at such times as the President shall prescribe, in consideration of their subsisting themselves the first year after their removal, which they agree to do, without further cost or expense on the part of the United States, twenty thousand dollars.

To be laid out and applied, under the direction of the President, in the establishment of a manual labor school, the erection of a grist and saw mill, and other necessary improvements in their new country, fifteen thousand dollars.

To be laid out and applied under the direction of the President, in procuring a suitable person to attend and carry on the said grist and saw mill for a period of fifteen years, nine thousand dollars.

To be laid out and applied under the direction of the President, in continuing and keeping up a blacksmith's shop, and providing the usual quantity of iron and steel for the use and benefit of said tribe, for a period of twelve years, commencing with the year one thousand eight hundred and fifty-seven, and when all provision for blacksmith's shops under the treaty of 1836 shall cease, eleven thousand dollars.

To be set apart, applied, and distributed under the direction of the President, in payment of individual improvements of the tribe upon the lands above ceded to the United States, five thousand dollars.

And the balance, amounting to the sum of two hundred thousand dollars, to be paid over to the tribe, as Indian annuities are required to be paid, in ten equal annual instalments, commencing with the year one thousand eight hundred and fifty-seven, and when their annuities or annual instalments under the treaty of 1836 shall have ceased.

ARTICLE V. It is stipulated and agreed, that the sum now invested in stocks, under the Senate's amendment to the treaty of 1836,

with the interest due thereon at this time, shall be and remain invested, under the direction of the President, and that the interest hereafter arising therefrom shall be disposed of as follows: that is to say, so much thereof as may be necessary to the support and maintenance of the said manual labor school, and other means of education, and the balance be annually paid over in money as other annuities, or applied for the benefit and improvement of said tribe as the President, on consultation with the chiefs, may, from time to time, determine.

ARTICLE VI. To enable the said Indians to explore and examine their new country, and as an inducement to an early removal thereto, it is agreed that the United States will pay the necessary expenses of a suitable delegation to be selected for that purpose, under the direction of the President.

ARTICLE VII. It is alleged that there were less goods delivered to the said Indians at the annuity payment of 1837 than were due and required to be paid and delivered to them under the stipulations of their treaties with the United States then in force; and it is therefore agreed that the subject shall be properly investigated, and that full indemnity shall be made to them for any loss which they may be shown to have sustained.

ARTICLE VIII. It is agreed that the said Indians shall be permitted, if they desire to do so, to remain on the lands hereby ceded for and during the period of two years from the date hereof, and until the President shall notify them that the same are wanted.

ARTICLE IX. It is stipulated that Robert Grignon, who has erected a saw mill upon the Little Wolf river, at his own expense, for the benefit and at the request of said Indians, shall have the right of a pre-emptor to the lands upon which said improvements are situated, not exceeding in quantity on both sides of said river one hundred and sixty acres.

ARTICLE X. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States.

In testimony whereof the said William Medill, Commissioner as aforesaid, and the chiefs, head men, and warriors of the said Menomonee tribe of Indians, have hereunto

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, having seen and considered said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the nineteenth day of January, one thousand eight hundred and forty-nine, accept, ratify, and confirm the same, and every article and clause thereof.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington the twenty-third day of January, in the year of our [L. s.] Lord one thousand eight hundred and forty-nine, and of the independence of the United States of America the seventy-third.

JAMES K. POLK,

By the President:

JAMES BUCHANAN,

Secretary of State.

set their hands and seals, at the place and on the day and year aforesaid.

W. MEDILL, [SEAL.]
Commissioner on the part of the United States.

Signed and sealed in the presence of us:

ALBERT G. ELLIS, Sub-agent,
CHAS. A. GRIGNON, U. S. Interpreter,
F. J. BONDUÉL, Missionary Priest
among the Menomonee Indians,
M. L. MARTIN,
P. B. GRIGNON,
SAMUEL RYAN,
A. G. GRIGNON,
JOHN B. JACOBS.

Osh-kosh,	his x mark.
Jau-ma-tau,	his x mark.
Waw-kee-che-un,	his x mark.
Sage-toke,	his x mark.
Wy-tah-saul,	his x mark.
Kee-chee-new,	his x mark.
Chee-chee-quon-away,	his x mark.
Corron Glaude,	his x mark.
Sho-nec-nieu,	his x mark.
Lamotte,	his x mark.
Chee-que-tum,	his x mark.
Shaw-wan-on,	his x mark.
Ah-ko-no-may,	his x mark.
Shaw-poo-tuk,	his x mark.
Wau-po-nan-ah,	his x mark.
Sho-na-new, jr,	his x mark.
Pah-maw-po-may,	his x mark.
Naw-kaw-chis-ka,	his x mark.
Show-anno-penessee,	his x mark.
Tah-ko,	his x mark.
Osh-kish-he-nay-new,	his x mark.
Little Wave,	his x mark.
Muck-stah-penessee,	his x mark.
Wa-pee-men-shaw,	his x mark.
Ah-ke-nn-pe-new,	his x mark.
Ah-kaw-mut,	his x mark.
Kee-she-teu-ke-tau,	his x mark.
She-pau-na-ko,	his x mark.
Naw-kaw-nish-kau-wa,	his x mark.

Witnesses: WILLIAM POWELL,
JOHN B. DUKE,
JOHN G. KITTSON,
ROBT. GRIGNON,
CHARLES CARON,
ANTOINE GOTREAU,
F. DESNOYERS,
LOUIS G. PORRIE,
O. W. F. BRUCE.



JAMES K. POLK,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these Presents shall come, Greeting :

Whereas a treaty was made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord one thousand eight hundred and forty-eight, between the United States of America, by their commissioners, Morgan L. Martin and Albert G. Ellis, on the one part, and the Stockbridge tribe of Indians, by the sachem, councillors, and head men of said tribe, on the other part; which treaty is word for word as follows, to wit:

Whereas by an act of Congress, entitled "An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved on the 3d day of March, A. D. 1843, it was provided that the township of land on the east side of Winnebago lake, ceded to said tribe by the treaty with the Menomonee Indians of February 8th, 1831, as amended by the Senate of the United States, and not heretofore ceded by said tribe to the United States, should be divided and allotted among the individual members of said tribe, by commissioners to be elected for that purpose, who were to make report of such division and allotment, and thereupon the persons composing said tribe were to become citizens of the United States:

And whereas a portion of said tribe refused to recognise the validity of said act of Congress, or the proceedings which were had under it, or to be governed by its provisions, and upon their petition a subsequent act was passed by the Congress of the United States, on the 6th day of August, 1846, repealing the said act of March 3d, 1843, and providing, among other things, that such of said tribe as should enrol themselves with the sub-agent of Indian affairs at Green Bay, should be and remain citizens of the United States, and the residue of said tribe were restored to their ancient form of government as an Indian tribe. It was also provided that the said township of land should be divided into two districts, one of which was to be known as the "Indian district," and the other as the "citizen district;" the former to be held in common by the party who did not desire citizenship, and the latter to be divided and allotted among such as were citizens and desired to remain so:

And whereas it has been found impracticable to carry into full effect the provisions of the act of August 6th, 1846, by dividing the said township of land in the manner specified in said act, without infringing upon private rights acquired in good faith under the act of 1843 hereinbefore referred to, with a view of relieving both the Indian and citizen, parties of said Stockbridge tribe of Indians, from their present embarrassments, and to secure to each their just rights, articles of agreement and compromise have been entered into, as follows:

ARTICLES OF AGREEMENT and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord one thousand eight hundred and forty-eight, by and between the undersigned, acting commissioners on the part of the United States of America, and the Stockbridge tribe of Indians.

ARTICLE I. The said Stockbridge tribe of Indians renounce all participation in any of the benefits or privileges granted or conferred by the act of Congress entitled "An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved March 3, 1843, and relinquish all rights secured by said act; and they do hereby acknowledge and declare themselves to be under the protection and guardianship of the United States, as other Indian tribes.

ARTICLE II. That no misunderstanding may exist, now or hereafter, in determining who compose said tribe and are parties hereto, it is agreed that a roll or census shall be taken and appended to this agreement, and in like manner taken annually hereafter, and returned to the Secretary of the War Department of the United States, containing the names of all such as are parties hereto, and to be known and recognised as the Stockbridge tribe of Indians, who shall each be entitled to their due proportion of the benefits to be derived from the provisions made for their tribe by this and former agreements: and whenever any of them shall separate themselves from said tribe, or abandon the country which may be selected for their future home, the share or portion of such shall cease, and they shall forfeit all claims to be recognised as members of said tribe.

ARTICLE III.—The said Stockbridge tribe of Indians hereby sell and relinquish to the United States the township of land on the east side of Lake Winnebago, (granted and secured to said tribe by the treaty with the Menominee tribe of Indians of February 8, 1831, as amended by the resolution of the Senate of the United States,) and situated in the State of Wisconsin.

ARTICLE IV. The said township of land shall be surveyed into lots, in conformity with the plan adopted by the commissioners elected under the act of March 3, 1843, and such of said lands as were allotted by said commissioners to members of said tribe who have become citizens of the United States, (a schedule of which is hereunto annexed,) are hereby confirmed to such individuals respectively, and patents therefor shall be issued by the United States. The residue of said lands belonging to the United States shall be brought into market, but shall not be sold at less than the appraised value, unless the Senate of the United States shall otherwise determine.

ARTICLE V. In consideration of the cession and relinquishment hereinbefore made by the said Stockbridge tribe of Indians, it is agreed that the United States shall pay to said tribe within six months after the ratification of this agreement the sum of sixteen thousand five hundred dollars, to enable them to settle their affairs, obtain necessities, and make provision for establishing themselves in a new home.

ARTICLE VI. The United States shall also pay to said tribe, within six months after the ratification of this agreement, the sum of fourteen thousand five hundred and four dollars and eighty-five cents, being the appraised value of their improvements upon the lands herein ceded and relinquished to the United States, and to be paid to the individuals claiming said improvements according to the schedule and assessment herewith transmitted.

ARTICLE VII. It is further stipulated and agreed that the said Stockbridge tribe may remain upon the lands they now occupy for one year after the ratification of this agreement, and that they will remove to the country set apart for them, or such other west of the Mississippi river as they may be able to secure, where all their treaty stipulations with the Government shall be carried into effect.

ARTICLE VIII. Whenever the said Stockbridge tribe shall signify their wish to emigrate, the United States will defray the expenses of their removal west of the Mississippi, and furnish them with subsistence for one year after their arrival at their new homes.

ARTICLE IX. It is further stipulated and agreed, that, for the purpose of making provision for the rising generation of said tribe, the sum of sixteen thousand five hundred dollars shall be invested by the United States in stock, bearing an interest of not less than five per cent. per annum, the interest of which shall be paid annually to said tribe, as other annuities are paid by the United States.

ARTICLE X. It is agreed that nothing herein shall prevent a survey of said lands, at any

time after the ratification of this agreement, and that said tribe shall commit no waste or do unnecessary damage upon the premises occupied by them.

ARTICLE XI. The United States will pay the expenses incurred by the sachem and head men, amounting to three thousand dollars, in attending to the business of said tribe since the year 1843.

ARTICLE XII. This agreement to be binding and obligatory upon the contracting parties from and after its ratification by the Government of the United States.

In witness whereof, the said commissioners, and the sachem, councilors, and head men of said tribe, have hereunto set their hands and seals, the day and year above written.

Morgan L. Martin,	[L. S.]
Albert G. Ellis,	[L. S.]
Augustin E. Quinney, sachem,	[L. S.]
John Metoxen,	[L. S.]
John W. Quinney,	[L. S.]
Samuel Miller,	[L. S.]
Zebn T. Peters,	[L. S.]
Peter T. Littleman,	[L. S.]
Abram Pye, his x mark,	[L. S.]
Joseph M. Quinney,	[L. S.]
Samuel Stephens,	[L. S.]
Jeremiah Slingerland,	[L. S.]
Benjamin Pye 2d, his x mark,	[L. S.]
Simon S. Metoxen,	[L. S.]
Daniel Metoxen,	[L. S.]
Moses Charles, his x mark,	[L. S.]
Benjamin Pye 3d, his x mark,	[L. S.]
Jacob Jehoiaikim, his x mark,	[L. S.]
David Palmer, his x mark,	[L. S.]
Ezekiel Robinson,	[L. S.]
James Joshua, his x mark,	[L. S.]
Garrett Thompson, his x mark,	[L. S.]
Laurens Yoeron, his x mark,	[L. S.]
Thomas Schanandonh, his x mark,	[L. S.]
John W. Quinney, jr, his x mark,	[L. S.]
Nicolas Palmer, his x mark,	[L. S.]
John P. Quinney,	[L. S.]
Washington Quinney, his x mark,	[L. S.]
Aaron Turkey, his x mark,	[L. S.]

In presence of—

CHARLES A. GRIGNON, U. S. Interpreter.

LEMUEL GOODELL,

ELEAZER WILLIAMS,

CHARLES FOREUNINOZER.

Roll or census of the Stockbridge tribe of Indians, taken in conformity with the provisions of the second article of the within agreement.

Heads of Families.		Male	Female	Boys	Girls	Total.
August E. Quinney,	- -	1	1	3	4	9
John Metoxen,	- -	1	1	1	-	3
Benjamin Pye, sen.	- -	1	1	1	3	6
Garret Thompson,	- -	1	2	2	-	5
Elisha Konkapot	- -	1	1	1	-	3
John W. Quinney	- -	1	-	1	1	3
Joh P. Quinney	- -	1	1	1	2	5
Peter D. Littleman	- -	1	1	1	1	4
Jonas Thompson	- -	1	-	1	1	3
James Joshua	- -	1	1	2	1	5
Joseph M. Quinney	- -	1	1	2	5	9
Simon L. Metoxen	- -	1	1	1	3	6
Benjamin Pye, 2d	- -	1	1	1	3	6

Roll or Census of Stockbridge Indians—Continued.

Heads of Families.	Sex and Age.				Total.
	Male.	Female.	Boys.	Girls.	
Thomas Schenandoah	1	1	-	-	2
Aaron Turkey	1	1	2	2	6
Abram Pye	1	1	4	1	7
Benjamin Pye, 4th	1	1	-	1	3
Benjamin Duxtater	1	1	1	1	4
Moses Charles	1	1	1	1	4
Benjamin Pye, 3d	1	1	1	1	4
Eli Williams	1	-	-	-	1
David Palmer	1	1	1	-	3
Jacob Konkapot	1	1	-	1	3
Daniel Metoxen	1	1	-	1	3
Elizabeth Palmer (widow)	-	1	1	1	3
Elizabeth Aaron	-	1	1	2	4
Catharine Butterfield	-	-	1	1	2
Samuel Miller	1	1	2	2	6
Louisa Jamison	-	-	1	-	1
Jacob Jehoicum	-	-	1	-	1
Anna Turkey	-	-	1	-	1
Jeremiah Slingerland	-	-	1	3	4
John Yocum	-	-	1	2	3
Elizabeth Wilber	-	-	1	1	2
John W. Quinney, jr., and sister	-	-	1	1	2
Clara Miller and son	-	-	1	-	1
Elizabeth Pye	-	-	1	1	2
Phoebe S. Ricket	-	-	1	-	1
Josiah Abrams, wife, and sister	-	-	1	2	3
Jeremiah Bennet	-	-	1	2	3
Paul Pye	-	-	1	1	2
Peter Bennet	-	-	1	-	1
Ziba T. Peters	-	-	1	2	3
Ezekiel Robinson and brother	-	-	2	-	2
Lawrence Yocum	-	-	1	-	1
Moses Duxtater	-	-	1	1	2
Lucinda Quinney	-	-	1	2	3
Jemima Duxtater	-	-	1	-	1
Amelia Quinney	-	-	1	1	2
Peter Bennet, sen.	-	-	1	1	2
John Bennet	-	-	1	1	2
Levi Konkapot	-	-	1	-	1
Samuel Stevens	-	-	1	-	1
John Killmake	-	-	1	-	1
Lewis Hendricks	-	-	1	-	1
Dana Davids	-	-	1	-	1

177

M. L. MARTIN,
ALBERT G. ELLIS,
AUSTIN E. QUINNEY.

STOCKBRIDGE, Nov. 24, 1848.

John Metoxen.
John W. Quinney.
Samuel Miller.
Ziba T. Peters.
Peter D. Littleman.
Abram Pye, his x mark.
Joseph M. Quinney.
Samuel Stephens.
Jeremiah Slingerland.
Benjamin Pye 2d, his x mark.
Simon S. Metoxen.
Daniel Metoxen.
Moses Charles, his x mark.
Benjamin Pye, 3d, his x mark.
Jacob Jehoicum, his x mark.
David Palmer, his x mark.
Ezekiel Robinson.
James Joshua, his x mark.
Garet Thompson, his x mark.
Laurens Yocum, his x mark.
Thomas Schanandoah, his x mark.
Joshua W. Quinney, jr. his x mark.
Nicholas Palmer, his x mark.
John P. Quinney.
Washington Quinney, his x mark.
Aaron Turkey, his x mark.

Schedule of lands to be patented to individuals under the 4th article of the above agreement.

Names.	No. of lot.	No. of acres.
Josiah Chicks	1	
Nancy Chicks	2	
John N. Chicks	4	
Jacob Davids	5	
Harvey Johnson	8	
Hannah P. Chicks	10	
Dindernia, Bag Deer	east end 14	22.66
Puella Jourdain	16	
Jacob Chicks	17	
John N. Chicks	18	
Josiah Chicks	30	
Jacob Chicks	21	
Jos. L. Chicks	22	
Jacob Chicks	23	
John N. Chicks	24	
Moses E. Merrill	25, 26, 27	
John N. Chicks	28, 29	
Jane Dean	30	
Maricetta Abrams	31	
Catharine Mills	N. $\frac{1}{2}$ 32	30.62
Joseph L. Chicks	33	
John Dick	37	
John More	38	
Isaac Jacobs	40	
Benjamin Welch	41	
Lucy Jacobs	44	
Daniel Davids	47	
Daniel Davids	N. $\frac{1}{2}$ 48	
John W. Abrams	S. $\frac{1}{2}$ 49	
Louisa Davids	50	
Harry E. Eastman	51	
Eunice Abrams	52	
Daniel Davids	53	
John N. Chicks	54	
Hoel S. Wright	S. part of 55	
Oscar Wright	N. part of 55	57 $\frac{1}{2}$
John Littleman	N. $\frac{1}{2}$ 56	
Daniel Davids	N. $\frac{1}{2}$ 56	
Darius Davids	57	
Margaret Davids	58	
Daniel Davids	60	
Erastus Welch, (a strip)	E. of road, 65	6 chains 25 lks wide off S. side of lot.
Richard Fidler	E. of road, 65	balance of lot.
Henry Modlin	part 63	W. of road, 54 $\frac{1}{2}$.
Henry Jacobs	63	
Lucy Jacobs	- fractional part of 66	W. of road, 50 50 acres.
John W. Abrams	F. $\frac{1}{2}$ 68	
John Dick	69	
Eunice Abrams	N. $\frac{1}{2}$ 76	
Mary Hendrick	E. $\frac{1}{2}$ 78	
Isaac Jacobs and)		
George Bennet)	79	
John N. Chicks	81	
John N. Chicks)	82	
& Jacob Davids)		
Nancy Hunt	W. $\frac{1}{2}$ 83	31 $\frac{1}{2}$
Jas. Menagre and)	part of 84 east end.	15 $\frac{1}{2}$
Betsy Menagre)		
Betsy Wyatt	W. $\frac{1}{2}$ 85 & 86	62 $\frac{1}{2}$
William Gardner	87	
Timothy Jourdain	90	
Timothy Jourdain	S. $\frac{1}{2}$ 91	31.95
Charles Stevens	92 & 94	
Nancy Homm	98	
Joseph L. Chicks	102	
John N. Chicks	103	
John Moore	105	
Josiah Chicks	106	
John N. Chicks	110	
Timothy Jourdain	111, 112	
John Littleman	113	
Nathan Goodell	115	
Charles Stevens	S. part 119	50
Catharine Littleman	E. p't 128	54.60
John Moore	129	
John W. Abrams	130	
Jacob Davids	131	
Adam Sheriff	W. $\frac{1}{2}$ 132	31 25
Jacob Davids	133	
Joseph L. Chicks	134	
Catharine Mills	W. half 136	
Joseph Duxtater	144 and 145	

[Schedule]—Continued.

Names.	No. of lot.	No. of acres.	Names.	No. of lot.	No. of acres
Isaac Jacobs -	151		Jeremiah Johnson -	385, 389	
Alexander Abrams -	154		American Board of		
Jacob Davids -	155		Commissioners for	386, 390	
Darius Davids -	156		Foreign Missions.		
John Littleman -	157		Jacob Chick -	387, 391	
Isaac Jacobs -	158		Timothy Jourdain -	388	
Hannah W. Chicks -	159		John N. Chicks -	392, 396	
Catharine Mills -	160		Wm. Gardner 393, 394, 397, 398		
Nathan Goodell -	170		Lemuel Goodell -	N. end 395	2 acres.
John N. Chicks -	173				
James N. Lane -	174				
Jacob Davids -	175				
Job More -	176				
Thomas J. Chicks -	179				
Harvey Johnson -	180				
Nancy Gardner -	181				
Abigail Jourdain -	182				
Abraham Chicks -	184				
Bartholomew Bowman -	186				
Harriet Jourdain -	187				
Andrew Chicks -	188				
Sarah Davids -	189				
Job More -	191				
William Gardner S. part of 192 and 221		50			
Morley Mann, N. part of 192 and 221		70			
Mary N. Chicks -	194				
William Gardner -	220				
Triphane E. Jourdain -	222				
Caleb Moore -	223				
Isaac Simmons -	224				
Isabel Chicks -	225				
Sophia M. Jourdain -	226				
Jesse Bowman -	227				
Catharine Franks -	228				
Jonathan Chicks -	229				
Jonas Davids -	231				
Adam Davids -	232				
Linker Jourdain -	233				
Elizabeth Moore -	234				
Joseph Doxater -	235				
George Bennet -	237				
Isaac Simmons -	240				
Abigail Moore -	263				
Henry Moore -	264				
William Scott -	265				
William Scott -	S. 266				
George Bennet -	N. 266				
Leuben Johnson -	267				
Silas Jourdain -	268				
Jesse M. Jourdain -	271				
Simon Gardner -	274				
Hannah Moore -	276				
Solomon Davids -	277				
Edward Howell -	279				
Harriet Johnson -	280				
Lucinda Gardner -	282				
Hope Moore -	284				
Jonison C. Chicks -	308				
Obediah Gardner -	309				
Rachel Davids -	313				
Julius Davids -	314				
Elizabeth Bowman -	315				
Jeremiah Gardner -	316				
Mary Jane Bowman -	317				
Nancy Johnson -	319				
Jason Simmons -	320				
Betsy Menagre -	321				
Darius Davids -	323				
Humble M. Jourdain -	325				
Stephen Gardner -	326				
Francis T. Davids -	327				
Mary McCallister -	328				
Mary Hendrick -	335				
Susannah Hendrick -	349				
Jacob Moore -	355				
David Gardner -	357				
George Gardner -	359				
Catharine Bowman -	360				
Scepta Johnson -	361				
Thankful Stevens -	362				
William Gardner -	364				
Joseph Chicks -	365				
John Chicks -	366				
Charles Stephens -	367, 368				
Tim. Jourdain, 369, 370, 371					
Jacob Chicks -	372, 373				
Paul D. Hayward -	375				
State of Wisconsin -	383				
Timothy Jourdain -	384				

School purposes.

M. L. MARTIN,
ALBERT G. ELLIS.

Valuation of improvements, (vide art. 6.)

	Acres.	Dollars.
Austin E. Quinney -	163.38	2,760 63
	49.50	718 25
Joseph M. Quinney -	30.50	617 15
Samuel Stevens -	38.76	703 25
Moses Chicks -	43.00	980 50
Elizabeth Palmer -	29.06	512 41
Samuel Miller -	55.62	890 87
Elisha Konkpot -	5.00	142 50
Peter D. Littleman -	3.25	168 88
John P. Quinney -	15.50	267 50
Heir of J. Vocum -	5.78	78 03
Amos Turkey -	6.00	311 00
Benjamin Pye, 2d -	40.00	640 00
John Metoxen -	59.00	825 00
Mrs. B. Wright -	5.00	67 50
Abraham Pye -	30.00	495 00
Benjamin Pye, 4th -	-	40 00
Benjamin Pye, sr. -	-	40 00
Benjamin Pye, 3d -	59.00	350 00
Garret Thompson -	30.00	485 00
Ziba T. Peters -	10.00	215 00
Betsy T. Aaron -	3 00	85 00
Thomas Skousendash -	17.00	349 50
Simon S. Metoxen -	30 00	535 00
Elizabeth Wilber -	41 62	711 87
Ezekiel Robinson -	4 00	60 00
J. W. Quinney -	69 00	1,315 00
School House -	-	150 00

\$14,504 85

M. L. MARTIN,
ALBERT G. ELLIS.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 1st day of March, eighteen hundred and forty-nine, resolve as follows:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES, March 1st, 1849.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and treaty made and concluded at Stockbridge, in the State of Wisconsin, on the 24th day of November, in the year of our Lord 1848, by and between Morgan L. Martin and Albert G. Ellis, commissioners on the part of the United States of America, and the Stockbridge tribe of Indians, with the following

AMENDMENT.

Add the following as supplemental articles:

Whereas the Stockbridge and Munsee Indians consider that they have a claim against the United States for indemnity for certain lands on White river in the State of Indiana, and for certain other lands in the State of Wisconsin, which they allege they have been deprived of by treaties entered into with the Miamies and Delawares, and to the lands claimed by them in Indiana, and with the Me-

nomonees and Winnabagoes, or to the lands in Wisconsin, without their consent; and whereas the said Stockbridge and Munsee Indians, by their chiefs and agents, have continued to prosecute their said claims during the last twenty years at their own expense, except the sum of three thousand dollars paid them in 1821; and whereas it is desirable that all ground of discontent on the part of said Indians shall be removed, the United States do further stipulate, in consideration of the relinquishment by them of said claims, and all others, except as provided in this treaty, to pay to the sachems or chiefs of said Indians, on the ratification of this article by them, with the assent of their people, the sum of

five thousand dollars, and the further sum of twenty thousand dollars, to be paid in ten annual instalments, to commence when the said Indians shall have selected and removed to their new homes, as contemplated by the seventh article of this treaty.

The President of the United States, within two years from the ratification of this treaty, shall procure for the use of said Stockbridge Indians a quantity of land west of the Mississippi river, upon which they shall reside, not less than seventy-two sections, said Indians to be consulted as to the location of said land, and to be holden by the same tenure as other Indian lands.

Now, therefore, be it known that I, JAMES K. POLK, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first day of March, eighteen hundred and forty-nine, accept, ratify, and confirm the said treaty, with the amendment set forth in the said resolution.

In testimony whereof I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington the second day of March, in the year of our Lord
[L. s.] one thousand eight hundred and forty-nine, and of the independence of the United States of America the seventy-third.

JAMES K. POLK.

By the President :

JAMES BUCHANAN,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the tenth January, eighteen hundred and forty-nine, entitled "An act to extend certain privileges to the town of Whitehall in the State of New-York," the President of the United States, on the recommendation of the Secretary of the Treasury, is authorized to extend to the town of Whitehall the same privileges as are conferred on certain ports named in the seventh section of an act entitled "An act allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico, and to the British North American provinces adjoining the United States," passed third March, eighteen hundred and forty-five, in the manner prescribed by the proviso contained in said section.

And whereas the Secretary of the Treasury has duly recommended to me the extension of the privileges of the law aforesaid to the port of Whitehall, in the collection district of Champlain, in the State of New York :

Now, therefore, I, JAMES K. POLK, President of the United States of America, do hereby declare and proclaim that the port of Whitehall, in the collection district of Champlain, in the State of New York, is and shall be entitled to all the privileges extended to the other ports enumerated in the seventh section of the act aforesaid, from and after the date of this proclamation.

In witness whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of March, in the year of our Lord
[L. s.] one thousand eight hundred and forty-nine, and of the independence of the United States of America the seventy-third.

JAMES K. POLK.

By the President :

JAMES BUCHANAN,

Secretary of State.



193

TREATY

BETWEEN

THE UNITED STATES

AND THE

CAMANCHE, KIOWA, AND APACHE INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING

Whereas a treaty was made and concluded at Fort Atkinson, on the twenty-seventh day of July, A. D. one thousand eight hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian agent, and sole commissioner duly appointed for that purpose, and the chiefs and headmen of the Camanche, Kiowa, and Apache tribes or nations of Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Fort Atkinson, in the Indian territory of the United States of America, on the 27th day of July, Anno Domini, eighteen hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian agent, and sole commissioner, duly appointed for that purpose, and the Camanche, and Kiowa and Apache tribes or nations of Indians inhabiting the said territory south of the Arkansas river.

ARTICLE 1. Peace, friendship, and amity shall hereafter exist between the United States and the Camanche and Kiowa, and Apache tribes of Indians parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The Camanche Kiowa and Apache tribes of Indians do hereby jointly and severally covenant that peaceful relations shall likewise be maintained amongst themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good will and friendship.

ARTICLE 3. The aforesaid Indian tribes do also hereby fully recognise and acknowledge the right of the United States to lay off and mark out roads or highways—to make reservations of land necessary thereto—to locate depots—and to establish military and other posts within the territories inhabited by the

said tribes; and also to prescribe and enforce, in such manner as the President or the Congress of the United States shall from time to time direct, *rules and regulations* to protect the rights of persons and property among the said Indian tribes.

ARTICLE 4. The Camanche Kiowa and Apache tribes parties as before recited, do further agree and bind themselves to make restitution or satisfaction for any injuries done by any band or any individuals of their respective tribes, to the people of the United States who may be lawfully residing in or passing through their said territories: and to abstain hereafter from levying contributions from, or molesting them in any manner; and so far as may be in their power, to render assistance to such as need relief, and to facilitate their safe passage.

ARTICLE 5. And whereas the United

States of America have by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners, held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression, therefore the Comanche and Kiowa and Apache tribes of Indians parties to this treaty do hereby solemnly covenant and agree to refrain in future from warlike incursions into the said Mexican provinces, and from all depredations upon the inhabitants thereof; and they do likewise bind themselves to restore all captives that may hereafter be taken by any of the bands, war parties or individuals of the said several tribes from the Mexican provinces aforesaid, and to make proper and just compensation for any wrongs that may be inflicted upon the people thereof by them either to the United States or to the republic of Mexico as the President of the United States may direct and require.

ARTICLE 6. In consideration of the foregoing agreements on the part of the Comanche and Kiowa and Apache tribes parties to this treaty—of the losses which they may sustain by reason of the travel of the people of the United States through their territories—and for the better support, and the improvement of the social condition of the said tribes—the United States do bind themselves, and by these presents, stipulate to deliver to the Comanche, Kiowa, and Apache tribes aforesaid, the sum of eighteen thousand dollars per annum for and during the term of ten years next ensuing from this date, and for the additional term of five years, if, in the opinion of the President of the United States, such extension shall be advisable;—the same to be given to them in goods, merchandise, provisions or agricul-

tural implements, or in such shape as may be best adapted to their wants, and as the President of the United States may designate and to be distributed amongst the said several tribes in proportion to the respective numbers of each tribe.

ARTICLE 7. The United States do moreover bind themselves in consideration of the covenants contained in the preceding articles of this treaty to protect and defend the Indian tribes parties hereto, against the committal of any depredations upon them and in their territories by the people of the United States for and during the term for which this treaty shall be in force, and to compensate them for any injuries that may result therefrom.

ARTICLE 8. It is also stipulated and provided by and between the parties to this treaty that should any of the Indian tribes aforesaid violate any of the conditional provisions or agreements herein contained, or fail to perform any of the obligations entered into on their part then the United States may withhold the whole or any part of the annuities mentioned in the sixth article of this treaty from the tribe so offending until in the opinion of the President or the Congress of the United States proper satisfaction shall have been made, or until persons amongst the said Indians offending against the laws of the United States shall have been delivered up to justice.

ARTICLE 9. It is also consented to and determined between the parties hereto, that the annuities to be given on the part of the United States, as provided in the 6th article of this treaty, shall be delivered to the said Indian tribes *collectively*, at or in the vicinity of Beaver creek, yearly, during the month of July in each year, until some other time and place shall have been designated by the President of the United States, in which event the said Indian tribes shall have due notice thereof, and the place of distribution which may be selected shall always be some point within the territories occupied by the said tribes.

In witness whereof the said Thomas Fitzpatrick Indian agent and sole commissioner on the part of the United States, and the undersigned chiefs and headmen of the Comanche and Kiowa and Apache tribes or nations have hereunto set their hands at Fort Atkinson in the Indian territory of the United States this twenty-seventh day of July A. D. eighteen hundred and fifty-three.

THOMAS FITZPATRICK,

Indian Agent and Commissioner on behalf of the United States.

B. GRATZ BROWN, *Secy.*

R. H. CHILTON.

B. T. MOYLER.

WULEA-BOO	his x mark	(Shaved Head) chief Comanche
WA-YA-BA-LOS-A	his x mark	(White Eagle) chief of band
HAL-NICK-SEU	his x mark	(The Crow) do
PARO-SA-WA-NO	his x mark	(Ten Sticks) do
WA-NA-RE-TAH	his x mark	(Poor Coyotes Wolf) do
KA-NA-RE-TAH	his x mark	(One that Rides the Clouds) chief of the southern Comanches
TO-HAVE-SEEN	his x mark	(Little Mountain) chief Kiowas
LI-LANK-KI	his x mark	(Sitting Bear) war chief
TAH-KA-EH-BOOL	his x mark	(The Bad Smelling Saddle) headman
CHE-KOON-KI	his x mark	(Black Horse) "
ON-TI-AN-TE	his x mark	(The Snow Flake) "
EL-BO-IN-KI	his x mark	(Yellow Hair) "
SI-TAH-LE	his x mark	(Poor Wolf) chief Apache
OH-AH-TE-KAH	his x mark	(Poor Bear) headman
AH-ZAAH	his x mark	(Prairie Wolf) "
KOOTZ-KAH	his x mark	(The Cigar) "

Witness

B. B. DAYTON

GEO. M. ALEXANDER

T. POLK

GEO. COLLIER jr.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twelfth day of April, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles, with amendments thereto proposed, by a resolution in the words and figures following, to wit:

" IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

" April 12, 1854.

" Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Fort Atkinson, in the Indian territory of the United States of America, on the 27th day of July, Anno Domini 1853, between the United States of America, (by Thomas

Fitzpatrick, Indian agent, and sole commissioner duly appointed for that purpose.) and the Comanche, and Kiowa, and Apache tribes or nations of Indians inhabiting the said territory south of the Arkansas river, with the following amendments:

"Article 5. Strike out the following words:

"And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians, and to maintain the peace and security of the said provinces against all such hostile aggression; therefore."

"Article 5, line 15, strike out the word 'said.'"

"Add the following as a new article:

"ARTICLE 10. It is agreed between the United States and the Comanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose."

"Attest:

ASBURY DICKINS, *Secretary.*"

And whereas the amendments proposed by the Senate in their resolution of April twelfth, eighteen hundred and fifty-four, above recited, were duly presented for consideration to the chiefs and headmen of the said tribes of Indians in council assembled, and were, in said council, accepted, ratified, and confirmed in manner following, to wit:

We the undersigned chiefs headmen and braves of the Comanche, and Kiowa, and Apache tribes of Indians, parties to the treaty concluded at Fort Atkinson, on the 27th day of July, Anno Domini 1853, having had fully explained to us the amendment made to the same by the Senate of the United States on the 12th day of April 1854, which is in the following words, viz:

"AMENDMENTS.

"Article 5: strike out the following words:

"And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression; therefore."

"Article 5, line 15, strike out the word 'said.'"

"Add the following as a new article:

"ARTICLE 10. It is agreed between the United States and the Comanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefits

of said Indians, it shall be discretionary with the President by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose."—Do hereby accept and consent to the said amendments to the treaty aforesaid, and agree that the same may be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals this 21st day of July, A. D. 1854.

CAMANCHES.

TO-CHE-RA-NAH-BOO	(Shaved Head)	his x mark
WA-YA-BA-TO-SA	(White Eagle)	his x mark
HY-NACK-SEW	(Crow)	his x mark
TY-HAR-RE-TY	(One who runs after Women)	his x mark
PARA-SAR-A-MAN-NO	(Ten bears)	his x mark

KIOWAS.

TO-HAN-SEN	(Little Mountain)	his x mark
SA-TAN-KA	(Sitting Bear)	his x mark
KO-A-TY-KA	(Wolf outside)	his x mark

Executed in presence of

AQUILLA F. RIDGELY, *Assistant Surgeon U. S. A.*
 A. H. PLUMMER, *Bvt. 2d Lt. 6th Infy.*
 PAUL CARREY.
 JOHN KINNEY, *U. S. Interpreter.*
 H. E. NIXON, *Clerk.*

I certify that the foregoing amendments to the treaty of 27th day of July, 1853, was read and explained to the chiefs, and that they consented to and signed the same on the 21st day of July, 1854.

J. W. WHITFIELD,
Indian Agent.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twelfth day of April, eighteen hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

***** Done at the city of Washington, this twelfth day of February,
 * L. S. * Anno Domini, eighteen hundred and fifty-four. *Feb 12 1855*

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



164

TREATY

BETWEEN

THE UNITED STATES

AND THE

ROGUE RIVER INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and entered into at Table Rock, near Rogue river, in the Territory of Oregon, this 10th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian affairs, and Samuel H. Culver, Indian agent, on the part of the United States, and Jo-aps-er-ka-har, principal chief, Sam To-qua-he-ar, and Jim Ana-cha-a-rah, subordinate chiefs, and others, headmen of the bands of the Rogue River tribe of Indians, on the part of said tribe.

ARTICLE 1. The Rogue River tribe of Indians do hereby cede and relinquish for the considerations hereinafter specified to the United States all their right title interest and claim to all the lands lying in that part of the Territory of Oregon and bounded by lines designated as follows, to wit

Commencing at a point one mile below the mouth of Applegate creek on the south side of Rogue river running thence southerly to the highlands dividing the waters of Applegate creek from those of Althouse creek thence along said highlands to the summit of the Siskiyou range of mountains, thence easterly to Pilot rock, thence northeasterly to the summit of the Cascade range thence northerly along the said Cascade range to Pit's peak continuing northerly to Rogue river thence westerly to the headwaters of Jump-off-jo creek thence down said creek to the intersection of the same with a line due north from the place of beginning thence to the place of beginning

ARTICLE 2. It is agreed on the part of the United States that the aforesaid tribe shall be allowed to occupy temporarily that portion of the above described tract of territory bounded as follows to wit,

Commencing on the north side of Rogue river at the mouth of Evan's creek thence up said creek to the upper end of a small prairie bearing in a northwesterly direction from Table mountain or Upper Table rock, thence through the gap to the south side of the cliff of the said mountain, thence in a line to Rogue river striking the southern base of Lower Table rock, thence down said river to the place of beginning. It being understood that this described tract of land shall be deemed and considered an Indian reserve until a suitable selection shall be made by the direction of the President of the United States for their permanent residence and buildings erected thereon and provision made for their removal

ARTICLE 3. For and in consideration of the cession and relinquishment contained in article 1st the United States agree to pay to the aforesaid tribe the sum of sixty thousand dollars, fifteen thousand of which sum to be retained (according to the stipulations of article 4th of a "treaty of peace made and entered into on the 8th day of September 1853 between Genl. Jo Lane commanding forces of Oregon Territory and Jo. principal chief Sam and Jim subordinate chiefs on the part of the Rogue River

tribe of Indians") by the Superintendent of Indian Affairs to pay for the property of the whites destroyed by them during the late war, the amount of property so destroyed to be estimated by three disinterested commissioners to be appointed by the Superintendent of Indian Affairs or otherwise as the President may direct. Five thousand dollars to be expended in the purchase of agricultural implements, blankets, clothing and such other goods as may be deemed by the superintendent or agent most conducive to the comfort and necessities of said tribe on or before the 1st day of September 1854 and for the payment of such permanent improvements as may have been made by land claimants on the aforesaid reserve, the value of which to be ascertained by three persons appointed by the said superintendent.

The remaining forty thousand dollars to be paid in sixteen equal annual instalments of two thousand five hundred dollars each (commencing on or about the 1st day of September 1854) in blankets, clothing farming utensils, stock, and such other articles as may be deemed most conducive to the interests of said tribe.

ARTICLE 4. It is further agreed that there shall be erected at the expense of the United States one dwelling house for each of the three principal chiefs of the aforesaid tribe, the cost of which shall not exceed five hundred dollars each, the aforesaid buildings to be erected as soon after the ratification of this treaty as possible. And when the tribe may be removed to another reserve buildings and other improvements shall be made on such reserve of equal value to those which may be relinquished, and upon such removal in addition to the before mentioned sixty thousand dollars the United States agree to pay the further sum of fifteen thousand dollars in five equal annual instalments commencing at the expiration of the before named instalments.

ARTICLE 5. The said tribe of Indians further agree to give safe conduct to all persons who may be authorized to pass

through their reserve and to protect in their person and property all agents or other persons sent by the United States to reside among them, they further agree not to molest or interrupt any white person passing through their reserve.

ARTICLE 6. That the friendship which is now established between the United States and the Rogue River tribe of Indians shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party injured to the Indian agent, and it shall be the duty of the chiefs of the said tribe that upon complaint being made as aforesaid to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States and in like manner if any violation, robbery, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried and if found guilty, shall be punished according to the laws of the United States. And it is agreed that the chiefs of the said tribe shall to the utmost of their power exert themselves to recover horses or other property which has or may be stolen or taken from any citizen or citizens of the United States by any individual of said tribe, and the property so recovered shall be forthwith delivered to the Indian agent or other person authorized to receive the same, that it may be restored to the proper owner.

And the United States hereby guarantee to any Indian or Indians of the said tribe a full indemnification for any horses or other property which may be stolen from them by any citizens of the United States. Provided that the property stolen or taken cannot be recovered and that sufficient proof is produced that it was actually stolen or taken by a citizen of the United States. And the chiefs and headmen of the said tribe engage on the requisition or demand of the President of the United States, Superintendent of Indian Affairs or Indian agent to deliver up

any white person or persons resident among them.

ARTICLE 7. This treaty shall take effect and be obligatory on the contract-

ing parties as soon as the same shall have been ratified by the President of the United States by and with the advice and consent of the Senate.

In testimony whereof the said Joel Palmer and Samuel H. Culver on the part of the United States and the chiefs and headmen of the Rogue River Indians aforesaid have hereunto set their hands and seals the day and year aforesaid.

JOEL PALMER	[L. s.]
<i>Sept. Indian Affairs.</i>	
SAMUEL H. CULVER	[L. s.]
<i>Indian Agent</i>	
JO. his x mark	[L. s.]
APS-ER-KA-HAR	
SAM his x mark	[L. s.]
TO-QUA-HE-AR	
JIM his x mark	[L. s.]
ANA-CHAH-A-RAH	
JOHN his x mark	[L. s.]
LYMPE his x mark	[L. s.]

Signed in presence of

J. W. NESMITH *Interpreter*
 R. B. METCALF
 JOHN his x mark
 J. D. MASON *Sec.*
 T. T. TIERNEY

Witness

JOSEPH LANE
 AUGUSTUS V KAUTZ

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twelfth day of April, eighteen hundred and fifty-four, advise and consent to the ratification of its articles, with an amendment thereto proposed, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“April 12, 1854.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the stipulations of a treaty made and entered into at Table Rock, near Rogue River, in the Territory of Oregon, this 10th day of September, Anno Domini 1853, by and between Joel Palmer, Superintendent of Indian Affairs, and Samuel H. Culver, Indian agent, on the part of the United States, and Jo. Aps-er-ku-har, principal chief, Sam. To-qua-he-ar, and Jim Ana-chah-a-rah, subordinate chiefs, and others, headmen of the bands of the Rogue River tribe of Indians, on the part of said tribe, with the following

“AMENDMENT:

“Add the following as a new article

“ARTICLE 7. It is agreed between the United States and the Rogue River trib:

of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

"Change article 7 to article 8.

"Attest:

"ASBURY DICKINS,
"Secretary."

And whereas the amendment proposed by the Senate in their resolution of April twelfth, eighteen hundred and fifty-four, as above recited, was duly presented for consideration, to the chiefs, subordinate chiefs, and headmen of the bands of the Rogue River tribe of Indians, and was by them, accepted, ratified, and confirmed, in manner following, to wit:

We the undersigned principal chief, subordinate chiefs and headmen of the bands of the Rogue River tribe of Indians, parties to the treaty concluded at Table Rock near Rogue river, in the Territory of Oregon, on the 10th day of September, A. D. 1853 having had fully explained to us the amendment made to the same by the Senate of the United States on the 12th day of April 1854, which is in the following words, viz:

AMENDMENT.

Add the following as a new article:

ARTICLE 7. It is agreed between the United States and the Rogue River tribe of Indians, that should it at any time hereafter, be considered by the United States, as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof into a fund for that purpose.

Change article 7 to article 8:—

do hereby accept and consent to the said amendment to the treaty aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals this 11th day of November, A. D. 1854.

APS-SO-KA-HAH (Horse Rider)	or JO	his x mark	[L. s.]
KO-KO-HA-WAH (Wealthy)	or SAM	his x mark	[L. s.]
TE-CUM-TOM (Elk Killer)	or JOHN	his x mark	[L. s.]
CHOL-CUL-TAH (Joquah Trader)	or GEORGE	his x mark	[L. s.]

Executed in presence of

EDWARD H. GEARY, *Secy.*

CRIS. TAYLOR

JOHN FLETT

R. B. METCALF *Interpreter*

JOEL PALMER *Supt.*

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of the Senate as expressed in their resolution of twelfth April, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty with the amendment.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

***** Done at the City of Washington, this fifth day of February, in the
 * L. S. * year of our Lord one thousand eight hundred and fifty-five.
 * * * FRANKLIN PIERCE.

By the President:

WM. L. MARCY, *Secretary.*



105

TREATY

BETWEEN

THE UNITED STATES

AND THE

COW CREEK INDIANS.

208

Y. 1011

Y. 1011

Y. 1011



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded on the nineteenth day of September, eighteen hundred and fifty-three, on Cow creek, Umpqua valley, in the Territory of Oregon, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and Quin-ti-oo-san, or Big-head, principal chief, and My-n-e-letta, or Jackson, and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians, thereto duly authorized by said tribe, which treaty is in the words and figures following, to wit:

Stipulations of a treaty made and entered into on Cow creek Umpqua valley in the Territory of Oregon this 19th day of September A. D. 1853 by and between Joel Palmer, superintendent of Indian affairs on the part of the United States and Quin-ti-oo-san or Bighead principal chief and My-n-e-letta or Jackson; and Tom—son of Quin-ti-oo-san, subordinate chiefs on the part of the Cow Creek band of Umpqua tribe of Indians.

ARTICLE 1. The Cow Creek band of Indians do hereby cede and relinquish for the consideration hereinafter specified to the United States all their right, title interest, and claim, to all the lands lying in that part of the Territory of Oregon bounded by lines designated as follows, to wit,

Commencing on the north bank of the south fork of Umpqua river at the termination of the highlands dividing the waters of Myrtle creek from those of Day's creek thence running easterly along the summit of said range to the head-waters of Day's creek thence southerly crossing the Umpqua river to the head-waters of Cow creek thence to the dividing ridge between Cow creek and Grave creek,

thence southwesterly along the said divide to its junction with the ridge dividing the waters of Cow creek from those of Rogue river, thence westerly and northerly around on said ridge to its connexion with the spur terminating opposite the mouth of Myrtle creek, thence along said spur to a point on the same northwest of the eastern line of Isaac Bailly's land claim thence southeast to Umpqua river, thence up said river to place of beginning.

ARTICLE 2. It is agreed on the part of the United States that the aforesaid tribe shall be allowed to occupy temporarily that portion of the above described tract of territory bounded as follows, to wit, commencing on the south

side of Cow creek at the mouth of Council creek opposite Wm. H. Riddle's land claim thence up said creek to the summit of Cañon mountain thence westerly along said summit two miles thence northerly to Cow creek at a point on the same one mile above the falls; thence down said creek to place of beginning. It being understood that this last described tract of land shall be deemed and considered an Indian reserve until a suitable selection shall be made by the direction of the President of the United States for their permanent residence; and buildings erected thereon and other improvements made of equal value of those upon the the above reserve at the time of removal.

ARTICLE 2. For and in consideration of the cession and relinquishment contained in article 1st the United States agree to pay to the aforesaid band of Indians the sum of twelve thousand dollars, in manner to wit, one thousand dollars to be expended in the purchase of twenty blankets, eighteen pairs pants, eighteen pairs shoes, eighteen hickory shirts, eighteen hats or caps, three coats, three vests, three pairs socks, three neck handkerchiefs, forty cotton flags one hundred and twenty yards prints, one hundred yards domestic, one gross buttons, two lbs. thread, ten papers needles, and such other goods and provisions as may be deemed by the superintendent or agent most conducive to the comfort and necessities of said Indians on or before the 1st day of October A. D. 1854. The remaining eleven thousand dollars to be paid in twenty equal annual instalments of five hundred and fifty dollars each, commencing on or about the 1st day of October 1854, in blankets clothing, provisions, stock, farming implements, or such other articles and in such manner as the President of the United States may deem best for the interests of said tribe,

ARTICLE 4. In addition to the aforesaid twelve thousand dollars there shall be erected for the use of said tribe at the expense of the United States, two dwelling houses, the cost of which shall not

exceed two hundred dollars each, and a field of five acres fenced and ploughed and suitable seed furnished for planting the same.

ARTICLE 5. The said band of Indians agree to give safe conduct to all persons passing through their reserve, and to protect in their person and property all agents or other persons sent by authority of the United States to reside among them.

ARTICLE 6. That the freindship which is now established between the United States and the Cow Creek band of Indians, shall not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done, no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the party injured to the Indian agent, and it shall be the duty of the chiefs of said band of Indians upon complaint being made as aforesaid to deliver up the person against whom the complaint is made to the end that he may be punished agreeably to the laws of the United States, and in like manner if any violation, robbery, or murder shall be committed on any Indian belonging to said band, the person so offending shall be tried and if found guilty, shall be punished according to the laws of the United States. And it is further agreed that the chiefs shall to the utmost of their ability exert themselves to recover horses or other property which has or may hereafter be stolen from any citizen of the U. S. by any individual of said tribe, and deliver the same to the agent or other person authorized to receive it. And the U. S. hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen or taken from them by any citizen of the U. S. provided the property stolen cannot be recovered and that sufficient proof is produced that it was actually stolen or taken by a citizen of the U. S. And the chiefs further agree that upon the requisition of the President of the U.

S. superintendent of Indian affairs or Indian agent, to deliver up any person resident among them.

ARTICLE 7. This treaty shall take effect and be obligatory on the contract-

ing parties as soon as the same shall be ratified by the President of the United States by and with the advice and consent of the Senate.

In testimony whereof the said Joel Palmer superintendent of Indian affairs on the part of the United States, and chiefs of the Cow Creek band of Umpqua Indians before named, have hereunto set their hands and seals the day and year aforesaid.

JOEL PALMER, [L. S.]
Superintendent Indian Affairs, O. T.

BIGHEAD	Quin-ti-oo-san	his x mark	[L. S.]
JACKSON	My-n-e-letta	his x mark	[L. S.]
TOM	son of Quin-ti-oo-san	his x mark	[L. S.]
TOM	Tal-sa-pe-cr	his x mark	[L. S.]

Signed in presence of

J. B. NICHOLS	} <i>Interpreters.</i>
E. CATCHING	
THEODORE T. TIERNEY,	<i>Secretary.</i>
JOHN D. BOWN	} <i>Witnesses.</i>
W. STARR	

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twelfth day of April, eighteen hundred and fifty-four, advise and consent to the ratification of its articles, with amendments thereto proposed, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

"April 12, 1854.

"Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the stipulations of a treaty made and entered into on Cow creek, Umpqua valley, in the Territory of Oregon, this 19th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson, and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek band of Umpqua tribe of Indians, with the following

"AMENDMENT:

"Add the following as a new article:

"ARTICLE 7. It is agreed between the United States and the Cow Creek band of the Umpqua tribe of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit

of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

"Change article 7 to article 8.

"Attest:

ASBURY DICKINS,
"Secretary."

And whereas the amendments proposed by the Senate in their resolution of April twelfth, as above recited, were duly presented to the chiefs and headmen of the Cow Creek band of Umpqua Indians, and were by them accepted, ratified, and confirmed in manner following, to wit:

We, the undersigned, principal chief and subordinate chiefs of the Cow Creek band of the Umpqua tribe of Indians, parties to the treaty concluded at Cow creek, Umpqua valley, in the Territory of Oregon, on the 19th day of September, A. D. 1853, having had fully explained to us the amendment made to the same by the Senate of the United States on the 12th day of April, 1854, which is in the following words, viz:

AMENDMENT:

Add the following as a new article:

ARTICLE 7. It is agreed between the United States and the Cow Creek band of the Umpqua tribe of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

Change article 7 to article 8: Do hereby accept and consent to the said amendment to the treaty aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals this 31st day of October, A. D. 1854.

QUIN-TI-OO-SAN or Bighead	his x mark	[L. S.]
MY-N-E-LETTA or Jackson	his x mark	[L. S.]
TOM	his x mark	[L. S.]
TAL-SA-PE-ER	his x mark	[L. S.]

Executed in presence of

JOEL PALMER, *Supt.*
JOHN FLETT,
W. STARR,
J. B. NICHOLS.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, in pursuance of the advice and consent of

the Senate as expressed in their resolution of April twelfth, eighteen hundred and fifty-four, do accept, ratify, and confirm the said treaty with the amendment.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

 * L. S. *
 * * *

Done at the city of Washington, this fifth day of February, in the year of our Lord, eighteen hundred and fifty-five.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



1-6

TREATY

BETWEEN

THE UNITED STATES

AND THE

OTTOE AND MISSOURIA TRIBE OF INDIANS.

213



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA :

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

WHEREAS, a Treaty was made and concluded at the City of Washington, on the fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner of Indian Affairs, acting as Commissioner on the part of the United States, and the confederate tribes of the Ottoo and Missouria Indians, which treaty is in the words following, to wit :

Articles of agreement and convention made and concluded at the City of Washington this fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named Chiefs of the confederate tribes of the Ottoo and Missouria Indians, viz : Ar-ke-kee-tah, or Stay By It ; Heh-cah-po, or Kickapoo ; Shaw-ka-haw-wa, or Medicine Horse ; Mi-ar-ke-tah-hun-she, or Big Soldier ; Cha-won-a-ke, or Buffalo Chief ; Ah-hah-che-ke saw-ke, or Missouria Chief ; and Maw-thra-ti-ne, or White Water ; they being thereto duly authorized by said confederate tribes.

ARTICLE 1. The confederate tribes of Ottoo and Missouria Indians cede to the United States all their country west of the Missouri river, excepting a strip of land on the waters of the Big Blue river, ten miles in width and bounded as follows : Commencing at a point in the middle of the main branch of the Big Blue river, in a west or southwest direction from Old Fort Kearney, at a place called by the Indians the "Islands;" thence west to the western boundary of the country hereby ceded ; thence in a northerly course with said western boundary, ten miles ; thence east to a point due north of the starting point and ten miles therefrom ; thence to the place of beginning : *Provided*, That in case the said initial point is not within the limits of the country hereby ceded, or that the western boundary of said country is not distant twenty-five miles or more from the initial point, in either case, there

shall be assigned by the United States to said Indians, for their future home, a tract of land not less than ten miles wide by twenty-five miles long, the southeast corner of which tract shall be the initial point above named. And such portion of such tract, if any, as shall prove to be outside of the ceded country, shall be and the same is hereby granted and ceded to the confederate tribes of Ottoo and Missouria Indians by the United States, who will have said tract properly set off by durable monuments as soon after the ratification of this instrument, as the same can conveniently be done.

ARTICLE 2. The said confederate tribes agree, that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year after such provision is made, they will vacate the ceded coun-

try, and remove to the lands herein reserved for them.

ARTICLE 3. The said confederate tribes relinquish to the United States all claims, for money or other thing, under former treaties, and all claim which they may have heretofore, at any time, set up, to any land on the east side of the Missouri river: *Provided*, That said confederate tribes shall receive the unexpended balances of former appropriations now in the United States Treasury, of which, four thousand dollars shall at once be applied for the purchase of provisions and to farming purposes.

ARTICLE 4. In consideration of, and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the said confederate tribes of Otoe and Missouri Indians, the several sums of money following, to wit:

1st. Twenty thousand dollars, per annum, for the term of three years, commencing on the first day of January, one thousand eight hundred and fifty-five.

2d. Thirteen thousand dollars, per annum, for the term of ten years, next succeeding the three years.

3d. Nine thousand dollars, per annum, for the term of fifteen years, next succeeding the ten years.

4th. Five thousand dollars, per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the said confederate tribes, or expended for their use and benefit, under the direction of the President of the United States, who may, from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural imple-

ments, seeds, &c.; for clothing, provisions and merchandize; for iron, steel, arms and ammunition; for mechanics, and tools; and for medical purposes.

ARTICLE 5. In order to enable the said confederate tribes to settle their affairs, and to remove, and subsist themselves for one year at their new home, (and which they agree to do without further expense to the United States,) and to break up and fence one hundred and fifty acres of land at their new home, they shall receive from the United States the further sum of twenty thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole of the land herein reserved or appropriated west of the Big Blue river to be surveyed off into lots, and assign to such Indian or Indians of said confederate tribes, as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family exceeding ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution embracing such land within its boundaries shall have been formed, and the legislature

of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same, or if not issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such confederate tribes, or disposed of as is provided for the disposal of the excess of said land. And the residue of the land hereby reserved, after all the Indian persons or families of such confederate tribes shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restriction herein provided for, without the consent of Congress.

ARTICLE 7. The United States will erect for said confederate tribes at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for the term of ten years; also erect a good blacksmith shop, supply the same with tools, and keep it in repair for the term of ten years, and provide a good blacksmith for a like period, and employ an experienced farmer, for ten years, to instruct the Indians in agriculture.

ARTICLE 8. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE 9. The said confederate tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all the citi-

zens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self defence, but will submit all matters of difference between them and other Indians, to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

ARTICLE 10. The Ottos and Missourias are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided, that any one of them who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time, as the President may determine.

ARTICLE 11. The said confederate tribes agree, that all the necessary roads and highways, and railroads, which may be constructed as the country improves, and the lines of which may run through their land west of the Big Blue river, shall have a right of way through the reservation, a just compensation being made therefor in money.

ARTICLE 12. The United States will pay to Lewis Barnard the sum of three hundred dollars, he having been in the service of the said tribes and they being unable to pay him.

ARTICLE 13. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the undersigned, chiefs of the said confederate tribes of Ottos and Missourias, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*. [L. s.]

AR-KE-KEE-TAH, his x mark,		
Or Stay By It.	[L. s.]	
HEH-CAH-PO, his x mark,		
Or Kickapoo.	[L. s.]	
SHAW-KA-HAW-WA, his x mark,		
Or Medicine Horse.	[L. s.]	} <i>Ottos.</i>
MI-AR-KE-TAH-HUN-SHE, his x mark,		
Or Big Soldier.	[L. s.]	
CHA-WON-A-KE, his x mark,		
Or Buffalo Chief.	[L. s.]	
AH-HAH-CHE-KE-SAW-KE, his x mark,		
Or Missouria Chief.	[L. s.]	} <i>Missourias.</i>
MAW-THRA-TI-ME, his x mark,		
Or White Water.	[L. s.]	

Executed in the presence of us:

JAMES M. GATEWOOD, *Indian Agent*.
 THOMAS MAXFIELD.
 H. N. TABB.
 CHARLES CALVERT.
 J. D. McPHERSON
 HEZEKIAH MILLER.
 ALFRED CHAPMAN.
 HENRY BEARD.
 LEWIS BARNARD, *Interpreter*, his x mark.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventeenth day of April, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 17th, 1854.

Resolved, (two-thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this [the] fifteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States, and the following named chiefs of the confederate tribes of the Ottoo and Missouria Indians, viz: Ar-kee-kee tah, or Stay By It; Heh-cah-po, or Kickapoo; Shaw-ka-haw-wa, or Medicine Horse; Mi-ar-ke-tah-hum-she, or Big Soldier; Cha-won-a-ke, or Buffalo Chief; Ah-hah-che-ke-saw-ke, or Missouria Chief; and Maw-thra-ti-ne, or White Water, they being thereto duly authorized by said confederate tribes.

Attest:

ASBURY DICKENS,
Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventeenth day of April, one thousand eight hundred and fifty-four, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

 * *
 * *
 * SEAL. *
 * *
 * *

Done at the city of Washington this twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE,

By the President:

W. L. MARCY,

Secretary of State.



187

TREATY

BETWEEN

THE UNITED STATES

AND THE

OMAHA INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Treaty was made and concluded at the City of Washington, on the sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the Omaha tribe of Indians, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the City of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named Chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska or Logan Fontenelle, E-sta-mah-za or Joseph Le Flesche, Gra-tah-nah-je or Standing Hawk, Gah-he-ga-gin-gah or Little Chief, Tah-wah-gah-ha or Village Maker, Wah-no-ke-ga or Noise, So-da-nah-ze or Yellow Smoke, they being thereto duly authorized by said tribe.

ARTICLE 1. The Omaha Indians cede to the United States all their lands west of the Missouri river, and south of a line drawn due west from a point in the centre of the main channel of said Missouri river due east of where the Ayoway river disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line;—*Provided, however,* that if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to

examine the country hereby reserved, and if it please the delegation, and the Indians in council express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

ARTICLE 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year

from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

ARTICLE 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim which they may have heretofore, at any time, set up, to any land on the east side of the Missouri river; *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

ARTICLE 4. In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians, the several sums of money following, to wit:

1st. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

2d. Thirty thousand dollars, per annum, for the term of ten years, next succeeding the three years.

3d. Twenty thousand dollars, per annum, for the term of fifteen years, next succeeding the ten years.

4th. Ten thousand dollars, per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural imple-

ments, seeds, &c.; for clothing, provisions and merchandize; for iron, steel, arms and ammunition; for mechanics, and tools; and for medical purposes.

ARTICLE 5. In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall

be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed.

ARTICLE 8. The United States agree to erect for the Omahas at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like

period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

ARTICLE 9. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE 10. The Omahas acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe, except in self defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

ARTICLE 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee, (a half breed,) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same.

ARTICLE 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 13. The board of foreign missions of the Presbyterian church, have on the lands of the Omahas a manual labor boarding school, for the education of the Omaha, Otoe, and

other Indian youth, which is now in successful operation, and as it will be some time before the necessary buildings can be erected on the reservation, and desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee simple for such quarter sections.

ARTICLE 14. The Omahas agree that all the necessary roads, and highways, and railroads, which may be constructed as the country improves, and the lines of which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

ARTICLE 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner*. [L. s.]

SHON-GA-SKA, or Logan Fontenelle, his x mark.	[L. s.]
E-STA-MAH-ZA, or Joseph Le Flesche, his x mark.	[L. s.]
GRA-TAH-MAH-JE, or Standing Hawk, his x mark.	[L. s.]
GAH-HE-GA-GIN-GAH, or Little Chief, his x mark.	[L. s.]
TAH-WAH-GAH-HA, or Village Maker, his x mark.	[L. s.]
WAH-NO-KE-GA, or Noisc, his x mark.	[L. s.]
SO-DA-NAH-ZE, or Yellow Smoke, his x mark.	[L. s.]

Executed in the presence of us:

JAMES M. GATEWOOD, *Indian Agent*.
 JAMES GOSZLER.
 CHARLES CALVERT.
 JAMES D. KERR.
 HENRY BEARD.
 ALFRED CHAPMAN.
 LEWIS SAUNSOE, *Interpreter*.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon the Senate did, on the seventeenth day of April, one thousand eight hundred and fifty-four, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 17th, 1854.

Resolved, (two-thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this [the] sixteenth day of March, one thousand eight hundred and fifty-four by George W. Manypenny as Commissioner on the part of the United States, and the following named chiefs of the Omaha tribe of Indians, viz: Shon-ga-ska or Logan Fontenelle; E-sta-mah-za or Joseph Le Flesche; Gra-tah-nah-je or Standing Hawk; Gah-

he-ga-gin-gah or Little Chief; Tah-nah-gah-ha—or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze—or Yellow Smoke; they being thereto duly authorized by said tribe; with the following amendment,—Article 3, line 3, strike out “1851” and insert 1852.

Attest :

ASBURY DICKENS,
Secretary.

Now therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventeenth day of April, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

* *
* SEAL. *
* *

Done at the city of Washington, this twenty-first day of June, in the year of our Lord, one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President :

W. L. MAROY,
Secretary of State.



188

TREATY

BETWEEN

THE UNITED STATES

AND THE

DELAWARE INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the city of Washington on the sixth of May, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxe: Ne-con-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxey, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe; which treaty is in the words following, to wit:

Articles of agreement and convention, made and concluded at the city of Washington, this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: Sarcoxe: Ne-con-he-cond, Kock-ka-to-wha, Qua-cor-now-ha, or James Segondyne, Ne-sha-pa-na-cumin, or Charles Journeycake, Que-sha-to-wha, or John Ketchem, Pendoxey, or George Bullet, Kock-kock-quas, or James Ketchem, Ah-lah-a-chick, or James Conner, they being thereto duly authorized by said tribe:

ARTICLE 1. The Delaware tribe of Indians hereby cede, relinquish, and quitclaim to the United States, all their right, title, and interest in and to their country lying west of the State of Missouri, and situate in the fork of the Missouri and Kansas rivers, which is described in the article supplementary to the treaty of October third, one thousand eight hundred and eighteen, concluded, in part, on the twenty-fourth September, one thousand eight hundred and twenty-nine, at Council Camp, on James' fork of White river, in the State of Missouri; and finally

concluded at Council Camp, in the fork of the Kansas and Missouri rivers, on the nineteenth October, one thousand eight hundred and twenty-nine; and also their right, title and interest in and to the "outlet" mentioned and described in said supplementary article; excepting that portion of said country sold to the Wyandot tribe of Indians, by instrument sanctioned by act of Congress, approved July twenty-fifth, one thousand eight hundred and forty-eight, and also excepting that part of said country lying east and south of a line beginning at a point

on the line between the land of the Delawares and the half-breed Kanzas, forty miles, in a direct line, west of the boundary between the Delawares and Wyandots, thence north ten miles, thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river where the usual high-water line of said creek intersects the high-water line of said river.

ARTICLE 2. The United States hereby agree to have the ceded country (excepting the said "outlet") surveyed, as soon as it can be conveniently done, in the same manner that the public lands are surveyed—such survey to be commenced and prosecuted as the President of the United States may deem best. And the President will, so soon as the whole or any portion of said lands are surveyed, proceed to offer such surveyed lands for sale, at public auction, in such quantities as he may deem proper—being governed, in all respects, in conducting such sales, by the laws of the United States respecting the sales of the public lands; and such of the lands as may not be sold at the public sales, shall thereafter be subject to private entry, in the same manner that private entries are made of United States lands; and any, or all, of such lands as remain unsold, after being three years subject to private entry, at the minimum government price, may, by act of Congress, be graduated and reduced in price, until all said lands are sold; regard being had in said graduation and reduction to the interests of the Delawares, and also to the speedy settlement of the country.

ARTICLE 3. The United States agree to pay to the Delaware tribe of Indians the sum of ten thousand dollars; and, in consideration thereof, the Delaware tribe of Indians hereby cede, release, and quitclaim to the United States, the said tract of country hereinbefore described as the "outlet." And as a further and full compensation for the cession made by the first article, the United States agree to

pay to said tribe all the moneys received from the sales of the lands provided to be surveyed in the preceding article, after deducting therefrom the cost of surveying, managing, and selling the same.

ARTICLE 4. The Delaware Indians have now, by treaty stipulation, the following permanent annuities, to wit: one thousand dollars per fourth article of the treaty of third August, one thousand seven hundred and ninety-five. Five hundred dollars, per third article of the treaty of thirtieth September, one thousand eight hundred and nine. Four thousand dollars per fifth article of the treaty of the third October, one thousand eight hundred and eighteen. One thousand dollars per supplemental treaty of twenty-fourth September, one thousand eight hundred and twenty-nine. One hundred dollars for salt annuity, per third article of the treaty of June seventh, one thousand eight hundred and three. Nine hundred and forty dollars, for blacksmith annuity, per sixth article of the treaty of third October, one thousand eight hundred and eighteen. All which several permanent annuities they hereby relinquish and forever absolve the United States from the further payment thereof; in consideration whereof the United States agree to pay to them, under the direction of the President, the sum of one hundred and forty-eight thousand dollars, as follows: seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-four, and seventy-four thousand dollars in the month of October, one thousand eight hundred and fifty-five. The object of converting the permanent annuities into these two payments being to aid the Delawares in making improvements on their present farms, and opening new ones on the land reserved, building houses, buying necessary household furniture, stock and farming utensils, and such other articles as may be necessary to their comfort.

ARTICLE 5. It is agreed that the sum of forty-six thousand and eighty dollars, being the value of the thirty-six sections

of land set apart for school purposes by the supplemental treaty of one thousand eight hundred and twenty-nine, remain for the present at five per cent. interest, as stipulated by the resolution of the Senate of the nineteenth January, one thousand eight hundred and thirty-eight.

ARTICLE 6. The Delawares feel now, as heretofore, grateful to their old chiefs for their long and faithful services. In former treaties, when their means were scanty, they provided, by small life annuities, for the wants of these chiefs, some of whom are now receiving them. These chiefs are poor, and the Delawares believe it their duty to keep them from want in their old and declining age. It is the wish of the Delawares, and hereby stipulated and agreed, that the sum of ten thousand dollars, the amount provided in the third article as a consideration for the "outlet," shall be paid to their five chiefs, to wit: Captain Ketchem, Sarkoxey, Segondyne, Neconhecond, and Kock-ka-to-wha, in equal shares of two thousand dollars each, to be paid as follows, to each of said chiefs, annually, the sum of two hundred and fifty dollars, until the whole sum is paid: *Provided*, That if any one or more of said chiefs die before the whole or any part of the sum is paid, the annual payments remaining to his share shall be paid to his male children, and in default of male heirs, then to the legal representatives of such deceased chief or chiefs; and it is understood that the small life-annuities stipulated for by former treaties, shall be paid as directed by said treaties.

ARTICLE 7. It is expected that the amount of moneys arising from the sales herein provided for, will be greater than the Delawares will need to meet their current wants; and as it is their duty, and their desire also, to create a permanent fund for the benefit of the Delaware people, it is agreed that all the money not necessary for the reasonable wants of the people, shall from time to time be invested by the President of the United States, in safe and profitable stocks, the

principal to remain unimpaired, and the interest to be applied annually, for the civilization, education and religious culture, of the Delaware people, and such other objects of a beneficial character, as in his judgment, are proper and necessary.

ARTICLE 8. As the annual receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject be referred to the judgment of the President, who may, from time to time, prescribe how much of the net proceeds of said sales shall be paid out to the Delaware people, and the mode and manner of such payment, also how much shall be invested, and in distributing the funds to the people, due regard and encouragement shall be given to that portion of the Delawares who are competent to manage their own affairs, and who know and appreciate the value of money; but Congress may, at any time, and from time to time, by law, make such rules and regulations in relation to the funds arising from the sale of said lands, and the application thereof for the benefit and improvement of the Delaware people, as may, in the wisdom of that body seem just and proper.

ARTICLE 9. The debts of Indians, contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid from the general fund.

ARTICLE 10. The Delawares promise to renew their efforts to suppress the introduction and the use of ardent spirits in their country and among their people, and to encourage industry, integrity, and virtue, so that every one may become civilized, and, as many now are, competent to manage their business affairs; but should some of them, unfortunately continue to refuse to labor, and remain or become dissipated and worthless, it shall be discretionary with the President to give such direction to the portion of funds, from time to time, due to such persons, as will prevent them from squandering the same, and secure the benefit thereof to their families.

ARTICLE 11. At any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe, *provided* such assignment shall be uniform.

ARTICLE 12. In the settlement of the country adjacent to the Delaware reservation roads and highways will become necessary, and it is agreed that all roads and highways laid out by authority of law, shall have a right of way through the reserved lands, on the same terms that the law provides for their location through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the said reservation, shall have the right of way, on payment of a just compensation therefor in money.

ARTICLE 13. The Christian Indians live in the country herein ceded, and have some improvements. They desire to remain where they are, and the Delawares are willing, *provided* the Christian Indians can pay them for the land. It is therefore agreed that there shall be confirmed by patent to the said Christian Indians, subject to such restrictions as Congress may provide, a quantity of land equal to four sections, to be selected in a body from the surveyed lands, and to include their present improvements; *Provided* The said Christian Indians, or the United States for them, pay to the Secretary of the Interior for the use of the Delaware Indians, within one year from the date of the ratification of this treaty, the sum of two dollars and fifty cents per acre therefor; *And provided further* That the provisions of article twelve, in relation to

roads, highways and railroads, shall be applicable to the land thus granted to the Christian Indians.

ARTICLE 14. The Delawares acknowledge their dependence on the government of the United States, and invoke its protection and care. They desire to be protected from depredations and injuries of every kind, and to live at peace with all the Indian tribes; and they promise to abstain from war, and to commit no depredations on either citizens or Indians; and if, unhappily, any difficulty should arise, they will at all times as far as they are able comply with the law in such cases made and provided, as they will expect to be protected and their rights vindicated by it, when they are injured.

ARTICLE 15. A primary object of this instrument being to advance the interests and welfare of the Delaware people, it is agreed, that if it prove insufficient to effect these ends, from causes which cannot now be foreseen, Congress may hereafter make such further provision, by law, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Delaware people.

ARTICLE 16. It is agreed by the parties hereto, that the provisions of the act of Congress, approved third of March, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as applicable, be extended to the lands herein ceded.

ARTICLE 17. It is further stipulated, that, should the Senate of the United States reject the thirteenth article hereof, such rejection shall in no wise affect the validity of the other articles.

ARTICLE 18. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President, and the Senate, of the United States.

In testimony whereof the said George W. Manypenny, commissioner, as aforesaid, and the said delegates of the Delaware tribe of Indians, have here-

unto set their hands and seals, at the place, and on the day and year hereinbefore written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
SARCOXEY, his x mark.	[L. S.]
NE-CON-HE-COND, his x mark.	[L. S.]
KOCK-KA-TO-WHA, his x mark.	[L. S.]
QUA-COR-NOW-HA, or James Segondyne, his x mark.	[L. S.]
NE-SHA-PA-NA-CUMIN, or Charles Journeycake.	[L. S.]
QUE-SHA-TO-WHA, or John Ketchem, his x mark.	[L. S.]
PONDOXY, or George Bullet, his x mark.	[L. S.]
KOCK-KOCK-QUAS, or James Ketchem.	[L. S.]
AH-LAH-A-CHICK, or James Conner, his x mark.	[L. S.]

Executed in presence of—

THOS. JOHNSON.
CHARLES CALVERT.
DOUGLAS H. COOPER.
WM. B. WAUGH.
HENRY BEARD.
B. F. ROBINSON, *Indian Agent.*
HENRY TIBLOW, *U. S. Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 11, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, this sixth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, as Commissioner on the part of the United States, and the following named delegates of the Delaware tribe of Indians, viz: SarcoxeY; Ne-hon-he-cond; Kock-ka-to-wha; Qua-cor-now-ha, or James Segondyne; Ne-sha-pa-na-cumin, or Charles Journeycake; Que-sha-to-wha, or John Ketchem; Pendoxy, or George Bullet; Kock-kock-quas, or James Ketchem; Ah-lah-a-chick, or James Conner; they being thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS,
Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

 * Done at the city of Washington this seventeenth day of July, in
 * the year of our Lord one thousand eight hundred and fifty-
 * L. S. *
 * four, and of the Independence of the United States the seventy-
 * *****
 * ninth.

FRANKLIN PIERCE.

By THE PRESIDENT:

W. L. MARCY,
Secretary of State.

(39)

TREATY

BETWEEN

THE UNITED STATES

AND THE

SHAWNEE TRIBE OF INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded on the tenth day of May one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, viz. Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar or Black Bob and Henry Blue Jacket, thereto duly authorized by said tribe, which treaty is in the words following, to wit,

Articles of agreement and convention made and concluded in the city of Washington, this tenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny as Commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five; and eighth of August, one thousand eight hundred and thirty-one, viz: Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, they being thereto duly authorized by the now united tribe of said Shawnee Indians.

ARTICLE 1. The Shawnee tribe of Indians hereby cede and convey to the United States, all the tract of country lying west of the State of Missouri, which was designated and set apart for the Shawnees in fulfilment of, and pursuant to, the second and third articles of a convention made between William Clark, Superintendent of Indian Affairs, and the chiefs and headmen of the Shawnee nation of Indians, at St. Louis, on the seventh day of November, one thousand eight hundred and twenty-five, which said tract was conveyed to said tribe—subject to the right secured by the second article of the treaty made at Wapaghkonetta on the eighth day August,

one thousand eight hundred and thirty-one—by John Tyler, President of the United States, by deed bearing date the eleventh day of May, one thousand eight hundred and forty-four—said tract being described by metes and bounds as follows: "Beginning at a point in the western boundary of the State of Missouri, three miles south of where said boundary crosses the mouth of Kansas river, thence continuing south and coinciding with said boundary for twenty-five miles; thence due west one hundred and twenty miles; thence due north until said line shall intersect the southern boundary of the Kansas reservation; thence due east, coinciding with the

southern boundary of said reservation, to the termination thereof; thence due north coinciding with the eastern boundary of said reservation, to the southern shore of the Kansas river, thence along said southern shore of said river, to where a line from the place of beginning drawn due west shall intersect the same"—estimated to contain sixteen hundred thousand acres, more or less (excepting and reserving therefrom two hundred thousand acres, for homes for the Shawnee people—which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaties of August eighth, one thousand eight hundred and thirty-one, as for those parties to the treaty of November seventh, one thousand eight hundred and twenty-five.)

ARTICLE 2. The two hundred thousand acres of land reserved by the Shawnees, shall be selected between the Missouri State line, & a line parallel thereto, & west of the same, thirty miles distant; which parallel line shall be drawn from the Kansas river to the southern boundary line of the country herein ceded; provided, however, that the few families of Shawnees who now reside on their own improvements in the ceded country west of said parallel line, may, if they desire to remain, select there, the same quantity of land for each individual of such family, which is hereinafter provided for those Shawnees residing east of said parallel line—the said selection, in every case, being so made as to include the present improvement of each family or individual. Of the lands lying east of the parallel line aforesaid, there shall first be set apart to the Missionary Society of the Methodist Episcopal Church south, to include the improvements of the Indian Manual Labor School, three sections of land; to the Friends Shawnee Labor School, including the improvements there, three hundred & twenty acres of land; & to the American Baptist Missionary Union, to include the improvements where the Superintendent of their school now resides, one hundred and sixty acres of land; also five acres of land to the Shawnee Metho-

dist Church, including the meeting house and grave yard; and two acres of land to the Shawnee Baptist Church, including the meeting house and grave yard. All the land selected, as herein provided, west of said parallel line, and that set apart to the respective societies for schools, and to the churches before named, shall be considered as part of the two hundred thousand acres reserved by the Shawnees.

All Shawnees residing east of said parallel line shall be entitled to, out of the residue of said two hundred thousand acres, if a single person, two hundred acres, and if the head of a family, a quantity equal to two hundred acres for each member of his or her family—to include in every case, the improvements on which such person or family now resides; and if two or more persons or families occupy the same improvement, or occupy different improvements in such close proximity, that all such persons or families cannot have the quantity of land (to include their respective improvements,) which they are entitled to, and if in such cases the parties should be unable to make an amicable arrangement among themselves, the oldest occupant or settler shall have the right to locate his tract so as to include said improvements, and the others must make a selection elsewhere, adjoining some Shawnee settlement; and in every such case, the person or family retaining the improvement, shall pay those leaving it, for the interest of the latter therein—the value of the same to be fixed, when the parties cannot agree thereupon, by such tribunal, and in such mode, as may be prescribed by the Shawnee Council with the consent of the United States agent for that tribe.

The privilege of selecting lands, under this provision, shall extend to every head of a family, who, although not a Shawnee, may have been legally married to a Shawnee according to the customs of that people, and adopted by them; and to all minor orphan children of Shawnees, and of persons who have been adopted as Shawnees, who shall not have received their shares with any

family; and all incompetent persons shall have selections made for them adjacent, or as near as practicable to their friends or relatives, which selections shall be made by some disinterested person or persons appointed by the Shawnee Council and approved by the United States Agent. In the settlement known as Black Bob's Settlement, in which he has an improvement whereon he resides; and in that known as Long Tails Settlement, in which he has an improvement whereon he resides, there are a number of Shawnees who desire to hold their lands in common; it is, therefore, agreed that all Shawnees, including the persons adopted as aforesaid, and incompetent persons, and minor orphan children, who reside in said settlements respectively, and all who shall, within sixty days after the approval of the surveys herein after provided for, signify to the United States Agent their election to join either of said communities and reside with them, shall have a quantity of land assigned and set off to them, in a compact body, at each of the settlements aforesaid, equal to two hundred acres to every individual in each of said communities. A census of the Shawnees residing at each of these settlements, and of the minor orphan children of their kindred, and of those electing to reside in said communities shall be taken by the United States Agent for the Shawnees, in order that a quantity of land equal to two hundred acres for each person, may be set off and allotted them to hold in common as aforesaid. After all the Shawnees and other persons herein provided for, shall have received their shares of the two hundred thousand acres of land reserved, it is anticipated that there will still be a residue; and as there are some Shawnees who have been for years separated from the tribe, it is agreed that whatever surplus remains after provision is made for all present members of the tribe, shall be set apart in one body of land, in compact form, under the direction of the President of the United States, and all such Shawnees as return to, and unite with the tribe within five years from the proclamation

of this instrument, shall be entitled to the same quantity of land out of said surplus, and in the same manner, and subject to the same limitations and provisions as are herein before made for those now members of the said tribe; and whatever portion of said surplus remains unassigned after the expiration of said five years, shall be sold, as herein after provided—the proceeds of all such sales shall be retained in the treasury of the United States, until the expiration of ten years from the proclamation of this instrument, after which time, should said absent Shawnees not have returned and united with the tribe, all the moneys then in the treasury, or that may thereafter be received therein, as proceeds of the sales of such surplus land, shall be applied to or invested, for such beneficial or benevolent objects among the Shawnees, as the President of the United States, after consulting with the Shawnee Council, shall determine,—and should any such absent Shawnees return and unite with said tribe after the expiration of the period of five years herein before mentioned, and before the expiration of the said period of ten years, the proper portion of any of said residue of lands that may then remain unsold, shall be assigned to such persons—and if all said lands have been disposed of, an equitable payment in money shall be made to them out of the proceeds of the said sales. The aforesaid assignments and selections of lands in the tract lying between the Missouri State line, and the said parallel line, shall be made within ninety days after the approval of the survey of said tract, and if there be any individuals recognised as at present entitled to lands therein, under the provisions of this article, who shall not have selected, or had selected for them, within said ninety days, their proper shares of lands, the Shawnee Council shall select one or more disinterested persons, who shall, immediately after the expiration of such ninety days, make selections of lands for them, in the same manner and subject to the same restrictions as herein before provided for minor orphan children not members of a

family, and for incompetent persons. And those residing on improvements west of the said parallel line, shall, within sixty days after the approval of the survey of the lands on which they live, make the selections of lands as, and to the amount, they are herein before authorized to do. It is agreed that all the tracts of land in this article assigned, or provided to be assigned or selected, shall be assigned and selected according to the legal subdivisions of United States lands, and according to the laws of the United States respecting the entry of public lands, so far as said laws are applicable; and no portion of this instrument shall be so construed as to nullify or impair this stipulation. And the said Indians hereby cede, relinquish, and convey to the United States, all tracts or parcels of land which may be sold, or are required to be sold in pursuance of any article of this instrument.

ARTICLE 3. In consideration of the cession and sale herein made, the United States agree to pay to the Shawnee people, the sum of eight hundred and twenty-nine thousand dollars, in manner as follows, viz: Forty thousand dollars to be invested by the United States, at a rate of interest not less than five per centum per annum, which, as it accrues, is to be applied to the purposes of education; that amount, with the addition of the three thousand dollars of perpetual annuities provided by the treaties of August third, one thousand seven hundred and ninety-five, and September twenty-ninth, one thousand eight hundred and seventeen, and now hereby agreed to be likewise so applied, together with the sum to be paid by the Missionary Society of the Methodist Episcopal Church South, as herein after provided, being deemed by the Shawnees as sufficient, for the present, for such purposes. Seven hundred thousand dollars to be paid in seven equal annual instalments, during the month of October of each year, commencing with the year one thousand eight hundred and fifty-four,—and the residue of eighty-nine thousand dollars, to be paid within the same month of the year after the termination of that period.

ARTICLE 4. Those of the Shawnees, who may elect to live in common, shall hereafter be permitted, if they so desire, to make separate selections within the bounds of the tract which may have been assigned to them in common; and such selections shall be made in all respects in conformity with the rule herein provided to govern those who shall, in the first instance, make separate selections.

ARTICLE 5. The lands heretofore described, lying between the Missouri State line & the parallel line thirty miles west of it, as soon after the ratification of this instrument; as can conveniently be done, shall be surveyed in the same manner as the public lands of the United States are surveyed, the expenses thereof to be borne by the Shawnees and the United States in due proportion; and no white persons or citizens shall be permitted to make locations or settlements within said limits, until after all the lands shall have been surveyed, and the Shawnees shall have made their selections and locations, and the President shall have set apart the surplus.

ARTICLE 6. The grants of land above made to Missionary Societies and Churches, shall be subject to these conditions: The grant to the Missionary Society of the Methodist Episcopal Church South, at the Indian Manual Labor School, shall be confirmed to said Society, or to such person or persons as may be designated by it, by patent from the President of the United States, upon the allowance to the Shawnees, by said Society, of ten thousand dollars, to be applied to the education of their youth—which it has agreed to make: The grants for the schools established by the Baptists and Friends, shall be held by their respective Boards of Missions, so long as those schools shall be kept by them,—when no longer used for such purpose by said Boards, the lands, with the improvements, shall, under the direction of the President, be sold at public sale, to the highest bidder, upon such terms as he may prescribe, the proceeds to be applied by the Shawnees to such general beneficial and charitable purposes as they may wish,—Provided, that the im-

provements shall be valued, and the valuation deducted from the proceeds of sale, and returned to said Boards respectively.

ARTICLE 7. Inasmuch as Joseph Parks and Black Hoof, who have in times past rendered important services to the Shawnee nation, would not, by reason of the small number of persons in their families, be entitled, under the provisions of Article 2, to a quantity of land equal to that which will be generally received by the other members of the tribe; it is agreed, at the request of the Shawnees, that Joseph Parks, in lieu of the land which he would have a right to select under the provisions of Article 2, shall have a quantity of land equal to two sections, or twelve hundred and eighty acres, to include his present residence and improvement; and Black Hoof, in lieu of that which he would have a right to select as aforesaid, shall have a quantity of land equal to one section, or six hundred and forty acres, to include his present residence and improvement; and they shall make selection of the land hereby granted them, in the same manner and subject to the same limitations, as are prescribed in Article 2, for such as shall make separate selections, in severalty, under the provisions thereof.

ARTICLE 8. Such of the Shawnees as are competent to manage their affairs, shall receive their portions of the aforementioned annual instalments in money. But the portions of such as shall be found incompetent to manage their affairs, whether from drunkenness, depravity, or other cause, shall be disposed of by the President, in that manner deemed by him best calculated to promote their interests, and the comfort of their families; the Shawnee Council being first consulted with respect to such persons, whom, it is expected, they will designate to their agent. The portions of orphan children shall be appropriated by the President in the manner deemed by him best for their interests.

ARTICLE 9. Congress may hereafter provide for the issuing, to such of the Shawnees as may make separate selections, patents for the same; with such

guards and restrictions as may seem advisable for their protection therein.

ARTICLE 10. No portion of the money stipulated by this instrument to be paid to the Shawnees, shall be taken by the Government of the United States, by its Agent or otherwise, to pay debts contracted by the Shawnees as private individuals; nor any part thereof for the payment of national debts or obligations contracted by the Shawnee Chiefs or Council; provided that this Article shall not be construed to prohibit the council from setting apart a small portion of any annual payment, for purposes strictly national in their character, first to be approved by the President.

ARTICLE 11. It being represented that many of the Shawnees have sustained damage in the loss and destruction of their crops, stocks, and other property, and otherwise, by reason of the great emigration which has, for several years, passed through their country, and of other causes, in violation, as they allege, of guaranties made for their protection by the United States; it is agreed that there shall be paid, in consideration thereof, to the Shawnees, the sum of twenty-seven thousand dollars, which shall be taken and considered in full satisfaction not only of such claim, but of all others of what kind soever, and in release of all demands and stipulations arising under former treaties, with the exception of the perpetual annuities, amounting to three thousand dollars, herein before mentioned, and which are set apart and appropriated in the third article hereof. All Shawnees who have sustained damage by the emigration of citizens of the United States, or by other acts of such citizens, shall, within six months after the ratification of this treaty, file their claims for such damages, with the Shawnee Agent, to be submitted by him to the Shawnee Council for their action and decision, and the amount, in each case approved, shall be paid by said agent:—Provided the whole amount of claims thus approved, shall not exceed the said sum stipulated for in this article. And provided, that if such amount shall exceed that sum, then a re-

duction shall be made, pro rata, from each claim, until the aggregate is lowered to that amount. If less than that amount be adjudged to be due, the residue, it is agreed, shall be appropriated as the council shall direct.

ARTICLE 12. If, from causes not now foreseen, this instrument should prove insufficient for the advancement and protection of the welfare and interests of the Shawnees, Congress may hereafter, by law, make such further provision, not inconsistent herewith, as experience may prove to be necessary, to promote the interests, peace, and happiness of the Shawnee people.

ARTICLE 13. It is agreed that all roads and highways, laid out by authority of law, shall have a right of way through any of the reserved, assigned, and selected lands, on the same terms, that the law provides for their locations through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through any of said lands, shall have the right of

way, on payment of a just compensation therefor in money.

ARTICLE 14. The Shawnees acknowledge their dependence on the government of the United States, and invoke its protection and care. They will abstain from the commission of depredations, and comply, as far as they are able, with the laws in such cases made and provided, as they will expect to be protected, and to have their rights vindicated.

ARTICLE 15. The Shawnees agree to suppress the use of ardent spirits among their people, and to resist, by all prudent means, its introduction into their settlements.

ARTICLE 16. The United States reserve, at the site of the Agency house in the Shawnee country, including the improvement, one hundred and sixty acres of land.

ARTICLE 17. The foregoing instrument shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner aforesaid, and the undersigned delegates representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, have hereunto set their hands and seals, at the place, and on the day and year first hereinbefore written.

GEORGE W. MANYPENNY,	[L. S.]
JOSEPH PARKS, his x mark.	[L. S.]
BLACK HOOFF, his x mark.	[L. S.]
GEORGE McDOUGAL, his x mark.	[L. S.]
LONGTAIL, his x mark.	[L. S.]
GEORGE BLUE JACKET, his x mark.	[L. S.]
GRAYHAM ROGERS, his x mark.	[L. S.]
WA-WAH-CHE-PA-E-KAR,	[L. S.]
Or Black Bob, his x mark.	[L. S.]
HENRY BLUE JACKET, his x mark.	[L. S.]

Executed in presence of

CHARLES CULVERT
 BENJAMIN S. LOVE
 HOLMES COLBERT
 JAMES LINDSEY
 ALFRED CHAPMAN
 WM. B. WAUGH
 B. F. ROBINSON, *Indian Agent*.
 CHAS. BLUE JACKET, *U. S. Interpreter*.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the second day of August, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles with amendments thereto proposed, by a resolution in the words and figures following To wit

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
August 2d 1854

Resolved, (two thirds of the Senators present concurring) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the City of Washington, this tenth day May, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following named delegates, representing the bands of Shawnees who were parties to the treaties of seventh November, one thousand eight hundred and twenty-five, and eighth of August, one thousand eight hundred and thirty-one, viz; Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue Jacket, they being thereto duly authorized by the now united tribe of said Shawnee Indians—with the following

AMENDMENTS:

ARTICLE 1. Strike out the following words:

Excepting and reserving therefrom two hundred thousand acres for homes for the Shawnee people, which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August eighth, one thousand eight hundred and thirty-one, as for those parties to the treaty of November seventh, one thousand eight hundred and twenty-five"

ARTICLE 2. Strike out the following words where they first occur:

"The two hundred thousand acres of land reserved by the Shawnees, shall," and insert the following in lieu thereof:

The United States hereby cede to the Shawnee Indians two hundred thousand acres of land to be

ARTICLE 10. Strike out the word "small"—and after the word "character," insert the following: and for the payment of national or tribal debts.

Attest: ASBURY DICKENS, *Secretary*.

And whereas the amendments proposed by the Senate in their Resolution of August second, as above recited, were duly presented for consideration, to the Chiefs, Councillors, and head men of the Shawnee nation, in full council assembled, and were, in said council, accepted, ratified and confirmed in manner following, to wit:

"We the undersigned chiefs, Councillors and head men of the United tribe of Shawnee Indians, on behalf of said united tribe now in full council assembled, having had fully explained to us the amendments made on the 2d of August 1854, by the Senate of the United States to the articles of agreement and convention which were concluded at the city of Washington, on the 10 day of May 1854, between George W. Manypenny, as Commissioner on the part of the United States, and Joseph Parks, Black Hoof, George McDougal, Longtail, George Blue Jacket, Graham Rogers, Wa-wah-che-pa-e-kar, or Black Bob, and Henry Blue

Jacket, delegates representing the bands of Shawnees who were parties to the treaties of Nov. 7, 1825, and of August 8, 1831, and which bands compose the now united band assembled

Which are in the following words, viz:

AMENDMENTS.

ARTICLE 1. Strike out the following words:

Excepting and reserving therefrom two hundred thousand acres for homes for the Shawnee people, which said two hundred thousand acres is retained, as well for the benefit of those Shawnees, parties to the treaty of August 8th, 1831, as for those, parties to the treaty of Nov. 7, 1825

ARTICLE 2. Strike out the following words where they first occur

"The two hundred thousand acres of land reserved by the Shawnees, shall" and insert the following in lieu thereof

The United States hereby cede to the Shawnee Indians two hundred thousand acres of land to be

ARTICLE 10 Strike out the word "small" and after the word "character" insert the following

And for the payment of national or tribal debts — do hereby consent to and accept the said amendments to the articles of agreement and convention aforesaid, and agree that the same shall be considered as a part thereof. But this assent is given on the condition that neither the present, nor any future council shall ever make provision for the pretended claims of R. W. Thompson of Indiana, George C. Johnson of Ohio, or Ewing & Clymer; and upon the further condition that no national or tribal obligations, shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons

In testimony whereof, we have herewith set our hands and affixed our seals this 21st day of August A D 1854

Joseph Parks	his x mark	[L. s.]	Tucker	his x mark	[L. s.]
Henry Blue Jacket	his x mark	[L. s.]	James Sucket	his x mark	[L. s.]
Graham Rogers	his x mark	[L. s.]	Tooly	his x mark	[L. s.]
Mathew King	his x mark	[L. s.]	Silas Dougherty	his x mark	[L. s.]
Paschal Fish	his x mark	[L. s.]	Jackson Rogers	his x mark	[L. s.]
Joseph Flint	his x mark	[L. s.]	Joseph White	his x mark	[L. s.]
Lewis Dougherty	his x mark	[L. s.]	John Parks	his x mark	[L. s.]
Joseph Day	his x mark	[L. s.]	David Dushane	his x mark	[L. s.]
Silverheels	his x mark	[L. s.]	Levi Flint	his x mark	[L. s.]
Black Wolf	his x mark	[L. s.]	Neona	his x mark	[L. s.]
Greyfeather	his x mark	[L. s.]	William Shots	his x mark	[L. s.]
Joseph Dougherty	his x mark	[L. s.]	George Flint	his x mark	[L. s.]
George Francis	his x mark	[L. s.]	John Shane	his x mark	[L. s.]
Black Hoof	his x mark	[L. s.]	Jackson Wheeler	his x mark	[L. s.]
Wilson Rogers	his x mark	[L. s.]	David Deshane	his x mark	[L. s.]
Pacutsekah	his x mark	[L. s.]	Morris	his x mark	[L. s.]
Kakwekah	his x mark	[L. s.]	Bill Littletail	his x mark	[L. s.]
John Flint	his x mark	[L. s.]	George McDougul	his x mark	[L. s.]

Executed in presence of us Augt. 21, 1854.

RICHARD C. MEEK

A. S. JOHNSON

THOMAS S. LEWIS

LUTHER M. CARTER

CHARLES BLUE JACKET, U. S. Interpreter.

I do hereby certify that the foregoing instrument of writing was fully explained by me to the Shawnee tribe of Indians, in council assembled, on the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto, in my presence

Given under my hand this 22d day of Aug., 1854

B. F. ROBINSON,

Indian Agent for the Kansas Agency.

Whereas the Shawnee Indians in full council assembled did, on the 21st day of August, 1854 assent to the amendments of the Senate of the 2d of August, 1854, to the Articles of Agreement and Convention, concluded between them and the United States on the 10th day of May, 1854, which assent was coupled with conditions as follows, "But this assent is given on the condition that neither the present nor any future council shall ever make provision for the pretended claims of R. W. Thompson of Indiana, George C. Johnson of Ohio or Ewing & Clymer, and upon the further condition, that no national or tribal obligations shall ever be made by the council to pay the debts of individual Shawnees to traders or other persons. And whereas the Secretary of the Department of the Interior, having in his letter of September 12th 1854, to the Superintendent of Indian Affairs at St. Louis, expressed the opinion that the above named conditions were of such a character as to require the constitutional action of the Senate, before the treaty could be proclaimed or executed. And whereas the said Shawnee Indians are now in full council assembled to take into consideration the suggestion or advice of the Secretary of the Interior that the assent to said amendments should be unconditional. Therefore, we the chiefs, councillors and head men of said tribe, in their behalf, and by their direction, and in review of the suggestions in the letter of the Secretary of the Interior, do rescind the said conditions and hereby assent to the said amendments and unconditionally accept and consent to the same.

In testimony whereof we have hereunto set our hands and affixed our seals this 28th day of September, 1854.

Joseph Parks	his x mark	[L. s.]	Simon Harvey	his x mark	[L. s.]
George McDougal	his x mark	[L. s.]	Charles Fish	his x mark	[L. s.]
Black Hoof	his x mark	[L. s.]	James Kizen	his x mark	[L. s.]
Graham Rogers	his x mark	[L. s.]	John Teenamosa	his x mark	[L. s.]
Mathew King	his x mark	[L. s.]	Ka-ka	his x mark	[L. s.]
Paschal Fish	his x mark	[L. s.]	Long Tail	his x mark	[L. s.]
Joseph Flint	his x mark	[L. s.]	Pa-ket-se-cha	his x mark	[L. s.]
Joseph Hay	his x mark	[L. s.]	Tucker	his x mark	[L. s.]
Henry Blue Jacket	his x mark	[L. s.]	Toola	his x mark	[L. s.]
John White Feather	his x mark	[L. s.]	Joseph White	his x mark	[L. s.]
Wilson Rogers	his x mark	[L. s.]	David Deshane	his x mark	[L. s.]
George Blue Jacket	his x mark	[L. s.]	Neoma	his x mark	[L. s.]
John Flint	his x mark	[L. s.]	John Shane	his x mark	[L. s.]
James Sucket	his x mark	[L. s.]	Morris	his x mark	[L. s.]
Jackson Rogers	his x mark	[L. s.]	John Ham	his x mark	[L. s.]
John Parks	his x mark	[L. s.]	White Deer	his x mark	[L. s.]
Levi Flint	his x mark	[L. s.]	James McLane	his x mark	[L. s.]
George Flint	his x mark	[L. s.]	Qwelena	his x mark	[L. s.]
David Deshane	his x mark	[L. s.]	George Big Knife	his x mark	[L. s.]
Little Tom	his x mark	[L. s.]	Possum	his x mark	[L. s.]
William Barber	his x mark	[L. s.]	Te-la-so	his x mark	[L. s.]
Big Jim	his x mark	[L. s.]	John Francis	his x mark	[L. s.]
Qwaper	his x mark	[L. s.]			

Executed in presence of us this 28th September 1854

J. W. WHITFIELD, *Indian Agent Upper Platte.*

A. S. JOHNSON.

CHARLES BLUE JACKET, *U. S. Interpreter.*

I do hereby certify that the foregoing instrument of writing was fully explained by me, to the Shawnee tribe of Indians in council assembled, on the 28th day of September, 1854, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereunto, in my presence, on the day and year last aforesaid.

Given under my hand this 11th day of October, 1854.

B. F. ROBINSON,

Indian Agent.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the second day of August, one thousand eight hundred and fifty-four, accept ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

* L. S. *
* * *

Done at the city of Washington this second day of November in the year of our Lord one thousand eight hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.

110

TREATY

BETWEEN

THE UNITED STATES

AND THE

MENOMONEE INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight: which treaty is in the words following, to wit:

Articles of agreement, made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen, and warriors of said tribe—such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the eighteenth day of October, one thousand eight hundred and forty-eight.

Whereas, among other provisions contained in the treaty in the caption mentioned, it is stipulated that for and in consideration of all the lands owned by the Menomonees, in the State of Wisconsin, wherever situated, the United States should give them all that country or tract of land ceded by the Chippewa Indians of the Mississippi and Lake Superior, in the treaty of the second of August, eighteen hundred and forty-seven, and by the Pillager band of Chippewa Indians in the treaty of the twenty-first of August, eighteen hundred and forty-seven, which had not been assigned to the Winnebagoes—guaranteed not to contain less than six hundred thousand acres; should pay them forty thousand dollars for removing and subsisting themselves; should give them fifteen thousand dollars for the establishment of a manual-labor school, the erection of a grist and saw mill, and for other necessary improvements in their new country; should cause to be laid out and expended in the hire of a miller, for the period of fifteen years, nine thousand dollars; and for continuing and keeping up a blacksmith shop and providing iron and steel for twelve years, commencing on the first of January, eighteen hundred and fifty-seven, eleven thousand dollars.

And whereas, upon manifestation of great unwillingness on the part of said Indians to remove to the country west of the Mississippi river, upon Crow Wing, which had been assigned them, and a desire to remain in the state of Wisconsin, the President consented to their locating temporarily upon the Wolf and Oconto rivers.

Now, therefore, to render practicable the stipulated payments herein recited, and to make exchange of the lands given west of the Mississippi for those desired by the tribe, and for the purpose of giving them the same for a permanent home, these articles are entered into:

ARTICLE 1. The said Menomonee tribe agree to cede, and do hereby cede, sell, and relinquish to the United States all the lands assigned to them under the treaty of the eighteenth of October, eighteen hundred and forty-eight.

ARTICLE 2. In consideration of the foregoing cession the United States agree to give, and do hereby give, to said Indians for a home, to be held as Indian lands are held, that tract of country lying upon the Wolf river, in the State of Wisconsin, commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty-four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles to the place of beginning—the same being townships 28, 29, and 30 of ranges 13, 14, 15 and 16, according to the public surveys.

ARTICLE 3. The United States agree to pay, to be laid out and applied under the direction of the President at the said location, in the establishment of a manual-labor school, the erection of a grist and saw mill, and other necessary improvements, fifteen thousand dollars; in procuring a suitable person to attend and carry on the said grist and saw mill, for a period of fifteen years, nine thousand dollars, in continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel for the use of said tribe, for a period of twelve years, commencing with the year eighteen hundred and fifty-seven, eleven thousand dollars; and the United States further agree to pay the said tribe, to be applied under the direction of the President, in such manner and at such times as he may

deem advisable, for such purposes and uses as in his judgment will best promote the improvement of the Menomonees, the forty thousand dollars stipulated to be applied to their removal and subsistence west of the Mississippi. It being understood that all other beneficial stipulations in said treaty of 1848 are to be fulfilled as therein provided.

ARTICLE 4. In consideration of the difference in extent between the lands hereby ceded to the United States, and the lands given in exchange, and for and in consideration of the provisions herein before recited, and of the relinquishment by said tribe of all claims set up by, or for, them for the difference in quantity of lands supposed by them to have been ceded in the treaty of eighteenth of October, eighteen hundred and forty eight, and what was actually ceded, the United States agree to pay said tribe the sum of two hundred and forty-two thousand six hundred and eighty-six dollars, in fifteen annual instalments, commencing with the year 1867; each instalment to be paid out and expended under the direction of the President of the United States, and for such objects, uses, and purposes, as he shall judge necessary and proper for their wants, improvement, and civilization.

ARTICLE 5. It is further agreed that all expense incurred in negotiating this treaty shall be paid by the United States.

ARTICLE 6. This treaty to be binding on the contracting parties as soon as it is ratified by the President and Senate of the United States, and assented to by Oat-kosh and Ke-she-nah, chiefs of said tribe.—

In testimony whereof, the said Francis Huebschmann, superintendent as aforesaid, and the chiefs, headmen and warriors of the said Menomonee tribe have hereunto set their hands and seals at the place and on the day and year aforesaid.

FRANCIS HUEBSCHMANN, [L. S.]
Superintendent of Indian Affairs.

WAU-KE-CHON, his x mark.	[L. S.]
WIS-KE-NO, his x mark.	[L. S.]
WAY-TAN-SAH, his x mark.	[L. S.]
CARRON, his x mark.	[L. S.]
SHO-NE-NIEW, his x mark.	[L. S.]
LAMOTTE, his x mark.	[L. S.]
PE-QUO-QUON-AH, his x mark.	[L. S.]
SHAW-POA-TUK, his x mark.	[L. S.]
WAU-PEN-NA-NOSH, his x mark.	[L. S.]
SHO-NE-ON, his x mark.	[L. S.]
SHAW-WAN-NA-PENASSE, his x mark.	[L. S.]
TA-KO, his x mark.	[L. S.]
KO-MAN-NE-KIN-NO-SHAH, his x mark.	[L. S.]
WAU-PA-MAH-SHAEW, his x mark.	[L. S.]
AUCK-KA-NA-PA-WAEW, his x mark.	[L. S.]
AH-WAY-SHA-SHAH, his x mark.	[L. S.]
CHECH-E-QUON-O-WAY, his x mark.	[L. S.]
NAH-PONE, his x mark.	[L. S.]
MO-SHA-HAT, his x mark,	[L. S.]
I-YAW-SHIEW, his x mark.	[L. S.]
KAH-WAY-SOT, his x mark.	[L. S.]

Signed and sealed in the presence of us:

JOHN V. SUYDAM, *Sub-Agent.*
 CHAS. A. GRIGNON, *U. S. Interpreter.*
 H. W. JONES, *Secretary to the Commissioner.*
 CHAS. H. WHITE, *Deputy U. S. Marshal.*
 HEMAN M. CADY, *U. S. Timber Agent.*
 WILLIAM POWELL.
 JOHN WILEY.
 H. L. MURRAY.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of August, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles and amendments, by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 August 2, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement, made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the

Menomonee tribe of Indians, by the chiefs, headmen and warriors of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe, on the eighteenth day of October, one thousand eight hundred and forty-eight; with the following

AMENDMENTS:

ARTICLE 4. Strike out the words, "one hundred and fifty thousand," and insert in lieu thereof the words:—*two hundred and forty-two thousand six hundred and eighty-six*

ARTICLE 6. Insert at the end thereof the following: *and assented to by Osh-Kosh and Ke-she-nah, chiefs of said tribe.*

Attest:

ASBURY DICKINS,
Secretary.

We, the chiefs, headmen, and warriors of the Menomonee tribe of Indians, parties to the articles of agreement made and concluded at the Falls of Wolf River, in the State of Wisconsin, on the twelfth day of May, one thousand eight hundred and fifty-four, between the United States of America, by Francis Huebschmann, Superintendent of Indian Affairs, duly authorized thereto, and the Menomonee tribe of Indians, by the chiefs, headmen and warriors of said tribe, such articles being supplementary and amendatory to the treaty of eighteenth October, 1848; having had the amendments made by the Senate of the United States on the second day of August, A. D. 1854, fully explained to us in general council assembled, which amendments are in the following words, viz:

AMENDMENTS:

ARTICLE 4. Strike out the words "one hundred and fifty thousand," and insert in lieu thereof the words:—*two hundred and forty-two thousand six hundred and eighty-six*

ARTICLE 6. Insert at the end thereof the following: *and assented to by Osh-kosh and Ke-she-nah, chiefs of said tribe*—do hereby accept and consent to the said amendments to the articles of agreement aforesaid, and agree that the same shall be considered as a part thereof; and we the said Osh-kosh and Ke-she-nah having had the said articles and amendments fully explained to us, do hereby assent, accept, and agree to the same.

In testimony whereof, we have herunto set our hands and affixed our seals this 22d day of August, A. D. 1854.

OSH-KOSH, his x mark.	[L. S.]
KE-SHE-NAH, his x mark.	[L. S.]
LAMOTTE, his x mark.	[L. S.]
WAU-KE-CHON, his x mark.	[L. S.]
WAY-TAN-SAH, his x mark.	[L. S.]
CORRAN, his x mark.	[L. S.]
SHO-NE-NIEW, his x mark.	[L. S.]
PE-QUO-QUON-NAH, his x mark.	[L. S.]
SHAW-POA-TUCK, his x mark.	[L. S.]
WAU-PEN-NA-NOSH, his x mark.	[L. S.]
SHO-NE-ON, his x mark.	[L. S.]
SHA-WAN-NA-PENASSE, his x mark.	[L. S.]
TA-KO, his x mark.	[L. S.]
KO-MAN-NE-KIN-NO-SHAH, his x mark.	[L. S.]
WAU-PA-MAH-SHAEW, his x mark.	[L. S.]
AUK-KA-NA-PA-WAEW, his x mark.	[L. S.]
AH-WA-SHA-SHAH, his x mark.	[L. S.]

CHECH-E-QUON-O-WAY, his x mark.

NAH-PONE, his x mark.

ME-SHA-SHAT, his x mark.

I-YAW-SHIEW, his x mark.

KAH-WAY-SOT, his x mark.

MIS-KE-E-NA-NIEW, his x mark.

I-AM-A-TAH, his x mark.

WIS-KE-NO, his x mark.

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

[L. S.]

Signed in presence of

JOHN V. SUYDAM, *Sub-Agent*.

CHAS. A. GRIGNON, *U. S. Interpreter*.

WILLIAM POWELL.

F. DESNOTERS.

E. D. GUSNAER.

HENRY C. SCOTT.

R. A. JONES.

JOHN WILEY.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the second day of August, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty, and the amendments thereto.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

***** Done at the city of Washington, this second day of August, in
* L. S. * the year of our Lord eighteen hundred and fifty-four, and of
* * * * * the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY,

Secretary of State.



TREATY

BETWEEN

THE UNITED STATES

AND THE

IOWAY INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Washington on the seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-che-ning-a, or No Heart; Shoon-ty-ing-a, or Little Wolf; Wah-moon-a-kah, or the Man who Steals, and Nar-ge-ga-rash or British, they being thereto duly authorized by said tribe, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, this seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a or No Heart, Shoon-ty-ing-a or Little Wolf, Wah-moon-a-ka or the Man who Steals, and Nar-ge-ga-rash or British, they being thereto duly authorized by said tribe.

ARTICLE 1. The Ioway tribe of Indians hereby cede, relinquish and convey to the United States, all their right, title and interest in and to the country, with the exception hereinafter named, which was assigned to them by the treaty concluded with their tribe and the Missouri band of Sacs and Foxes, by William Clark, superintendent of Indian affairs, on the seventeenth of September, one thousand eight hundred and thirty-six, being the upper half of the tract described in the second article thereof, as "the small strip of land on the south side of the Missouri river, lying between the Kickapoo northern boundary line and the Grand Nemahaw river, and extending

from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sacs and Foxes; the lower half to the Sacs and Foxes, the upper half to the Ioways," but they except and reserve of said country, so much thereof as is embraced within, and designated by the following metes and bounds, viz: Beginning at the mouth of the Great Nemahaw river where it empties into the Missouri; thence down the Missouri river to the mouth of No-land's creek; thence due south one mile; thence due west to the south fork of the Nemahaw river; thence down the said fork with its meanders to the Great Nema-

haw river, and thence with the meanders of said river to the place of beginning, which country, it is hereby agreed, shall be the future and permanent home of the Ioway Indians.

ARTICLE 2. In consideration of the cession made in the preceding article, the United States agree to pay in the manner hereinafter prescribed, to the Ioway Indians all the moneys received from the sales of the lands which are stipulated in the third article hereof, to be surveyed and sold—after deducting therefrom the cost of surveying, managing, and selling the same.

ARTICLE 3. The United States agree to have surveys made of the country ceded by the Ioways in article first in the same manner that the public lands are surveyed, and as soon as it can conveniently be done; and the President, after the surveys shall have been made and approved, shall proceed to offer said surveyed land for sale, at public auction, being governed therein by the laws of the United States respecting sales of public lands; and such of said lands as may not be sold at public sales, shall be subject to private entry in the manner that private entries are made of United States land; and all the land remaining unsold after being for three years, subject to private entry at the minimum government price, may, by act of Congress, be graduated and reduced in price, until the whole is disposed of, proper regard being had, in making such reduction, to the interests of the Ioways and the speedy settlement of the country. Until after the said land shall have been surveyed, and the surveys approved, no white persons or citizens shall be permitted to make thereon, any location or settlement; and the provisions of the act of Congress, approved on the third day of March, one thousand eight hundred and seven, relating to lands ceded to the United States, shall, so far as they are applicable, be extended over the lands herein ceded.

ARTICLE 4. It being understood that the present division line between the Ioways and the Sacs and Foxes of Missouri, as run by Isaac McCoy, will, when

the surveys are made, run diagonally through many of the sections, cutting them into fractions; it is agreed that the sections thus cut by said line, commencing at the junction of the Wolf with the Missouri river, shall be deemed and taken as part of the land hereinbefore ceded and directed to be sold for the benefit of the Ioways, until the quantity thus taken, including the before-recited reservation, and all the full sections north of said line shall amount to two hundred sections of land. And should the Sacs and Foxes of Missouri consent to a change of their residence and be so located by the United States as to occupy any portion of the land herein ceded and directed to be sold for the benefit of the Ioways, west of the tract herein reserved, the Ioways hereby agree to the same, and consent to such an arrangement, upon the condition that a quantity of land equal to that which may be thus occupied by the Sacs and Foxes, and of as good quality, shall be set apart for them out of the country now occupied by the last named tribe, contiguous to said division line, and sold for their benefit as hereinbefore provided.

ARTICLE 5. As the receipts from the sales of the lands cannot now be determined, it is agreed that the whole subject shall be referred to the President of the United States, who may, from time to time, prescribe how much of the proceeds thereof, shall be paid out to the Ioway people, and the time and mode of such payment, and also how much shall be invested in safe and profitable stocks, the principal of which to remain unimpaired and the interest to be applied annually for the civilization, education and religious culture of the Ioways and such other objects of a beneficial character as may be proper and essential to their well-being and prosperity: provided, that if necessary, Congress may, from time to time, by law, make such regulations in regard to the funds arising from the sale of said lands, and the application thereof for the benefit of the Ioways, as may in the wisdom of that body seem just and expedient.

ARTICLE 6. The President may cause

the country the Ioways have reserved for their future home, to be surveyed, at their expense, and in the same way as the public lands are surveyed, and assign to each person or family such portion thereof as their industry and ability to manage business affairs may in his opinion, render judicious and proper; and Congress may hereafter provide for the issuing to such persons, patents for the same, with guards and restrictions for their protection in the possession and enjoyment thereof.

ARTICLE 7. Appreciating the importance and the benefit derived from the mission established among them by the board of foreign missions of the Presbyterian church, the Ioways hereby grant unto the said board a tract of three hundred and twenty acres of land, to be so located as to include the improvements at the mission, and also a tract of one hundred and sixty acres of timbered land to be selected by some agent of the board from the legal subdivisions of the surveyed land; and the President shall issue a patent or patents for the same, to such person or persons as said board may direct. They further grant to John B. Roy, their interpreter, a tract of three hundred and twenty acres of land, to be selected by him in "Wolf's Grove," for which the President shall also issue a patent.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund.

ARTICLE 9. As some time must elapse before any benefit can be derived from the proceeds of the sale of their land, and as it is desirable that the Ioways should at once engage in agricultural pursuits and in making improvements on the tract hereinbefore reserved for them, it is hereby agreed that, of the fund of one hundred and fifty-seven thousand five hundred dollars, set apart to be invested by the second clause of the second article of the treaty concluded on the nineteenth day of October, one thousand eight hundred and thirty-eight, a sum not exceeding one hundred thousand dollars shall

be paid to the Indians, or expended under the direction of the President for the erection of houses, breaking and fencing lands, purchasing stock, farming utensils, seeds, and such other articles as may be necessary for their comfort. Fifty thousand dollars or so much thereof as may be deemed expedient to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-four—and the other fifty thousand dollars or so much thereof as shall be deemed expedient, to be paid during the year commencing on the first of October, one thousand eight hundred and fifty-five. The residue of said fund of one hundred and fifty-seven thousand five hundred dollars on hand after the payments herein provided for have been made, shall remain as a trust fund, the interest upon which, as well as the interest that may have accrued on the portion drawn out, shall be applied under the direction of the President to educational or other beneficial purposes among the Ioways.

ARTICLE 10. It is agreed that all roads and highways, laid out by authority of law, shall have a right of way through the lands herein reserved on the same terms as are provided by law when roads and highways are made through the lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Ioways, shall have right of way, on the payment of a just compensation therefor in money.

ARTICLE 11. The Ioways promise to renew their efforts to suppress the introduction and use of ardent spirits in their country, to encourage industry, thrift and morality and by every possible effort to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves to commit no depredation or wrong upon either Indians or citizens; and whenever difficulties arise, they will abide by the laws of the United States, in such cases made and provided, as they expect to be protected and to have their rights vindicated by them.

ARTICLE 12. The Ioway Indians re-

lease the United States from all claims and demands of every kind and description arising under former treaties; and agree to remove themselves within six months after the ratification of this instrument, to the lands herein reserved for their homes; in consideration whereof, the United States agree to pay to said Indians five thousand dollars—two thousand of which with such portion of balances of former appropriations of interest fund, as may not now be necessary under specific heads, may be expended in the settlement of their affairs, preparatory to removal.

ARTICLE 13. The object of this instru-

ment being to advance the interest of the Ioway people, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends that the President may, by and with the advice and consent of the Senate adopt such policy in the management of their affairs as in his judgment, may be most beneficial to them; or Congress may hereafter make such provision by law as experience shall prove to be necessary.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Ioway tribe of Indians, have hereunto set their hands and seals, at the place and on the day and in the year hereinbefore written.

GEORGE W. MANYPENNY, *Commissioner.*

[L. S.]

NAN-CHEE-NING-A or No Heart, his x mark.

[L. S.]

SHOON-TY-ING-A or Little Wolf, his x mark.

[L. S.]

WAH-MOON-NA-KA or The Man who Steals, his x mark.

[L. S.]

NAR-GE-GA-RASH or British, his x mark.

[L. S.]

Executed in the presence of

JAS. D. KERR

JAS. T. WYNNE

N. QUACKENBUSH

WM. B. WAUGH

D. VANDERSLICE, *Indian Agent.*

JOHN B. ROY, his x mark, *U. S. Interpreter.*

WM. B. WAUGH *witness to signing of John B. Roy.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eleventh day of July one thousand eight hundred and fifty-four ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 11, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington, this seventeenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Ioway tribe of Indians, viz: Nan-chee-ning-a, or No Heart; Shoon-ty-ing-a, or Little Wolf; Wah-moon-a-kah, or the Man who Steals; and Nar-ge-ga-rash, or British; they being thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington this seventeenth day of July in the year of our Lord one thousand eight hundred and fifty-four and of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY,
Secretary of State.



112

TREATY

BETWEEN

THE UNITED STATES

AND THE

KICKAPOO INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the city of Washington on the eighteenth day of May, one thousand eight hundred and fifty-four by George W. Manypenny, Commissioner on the part of the United States and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk; Kap-i-o-mah, or the Fox Carrier; No-ka-what, or the Fox Hair; Pe-shar-gon, or Tug made of Bear Skin, and Ke-wi-sah-tuk, or Walking Bear or Squire thereto duly authorized by said tribe, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk, Kap-i-o-mah, or the Fox Carrier, No-ka-what, or the Fox Hair, Pe-sha-gon, or Tug made of Bear Skin, and Ke-wi-sah-tuk, or Walking Bear or Squire, thereto duly authorized by said tribe.

ARTICLE 1. The Kickapoo tribe of Indians hereby cede, sell and convey unto the United States all that country southwest of the Missouri river, which was provided, as a permanent home, for them in the treaty of Castor Hill, of the twenty-fourth of October, one thousand eight hundred and thirty-two; and described in the supplemental article thereto, entered into at Fort Leavenworth, on the twenty-sixth of November, one thousand eight hundred and thirty-two, as follows: Beginning "on the Delaware line, where said line crosses the left branch of Salt creek, thence down said creek to the Missouri river, thence up the Missouri river thirty miles when measured on a straight line, thence westwardly to a

point twenty miles from the Delaware line, so as to include in the lands assigned to the Kickapoos, at least twelve hundred square miles;" saving and reserving, in the western part thereof, one hundred and fifty thousand acres for a future and permanent home, which shall be set off for, and assigned to, them by metes and bounds. *Provided*, That upon the return home of the delegates here contracting, and upon consultation with their people, and after an exploration if required by them, in company with their agent, a location to that extent can be found within said specified section of country suited to their wants and wishes. *And it is also further provided*, That should a suitable location, upon examination and

consultation, to the full extent of one hundred and fifty thousand acres, not be found within said western part of this cession, then the said delegates and agent shall be permitted to extend the location beyond the western line of the country herein ceded and north of the recent Delaware line over so much of the public domain, otherwise unappropriated, as shall make up the deficiency—or to make a selection entirely beyond the limits of the country at present occupied by the Kickapoos upon any lands of the United States, not otherwise appropriated, lying within the limits bounded by the said western line, by the recent Delaware northern line, and the waters of the Great Nemahau river; and in either case they shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the description thereof, signed by said delegates and agent, to the Commissioner of Indian Affairs; and thereupon, the selection so made, shall be taken and deemed as the future permanent home of the Kickapoo Indians. It is expressly understood that the Kickapoos shall claim under this article no more than one hundred and fifty thousand acres of land; and if that quantity, or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation, or a quantity equal to that which may be selected outside thereof, shall be, and the same is hereby, ceded and relinquished to the United States.

ARTICLE 2. In consideration whereof the United States agree to pay to the said Indians, under the direction of the President and in such manner as he shall from time to time prescribe, the sum of three hundred thousand dollars, as follows: one hundred thousand dollars to be invested at an interest of five per centum per annum; the interest of which shall be annually expended for educational and other beneficial purposes. The remaining two hundred thousand dollars to be paid thus: Twenty-five thousand dollars in the month of October, one thousand eight hundred and fifty-

four; twenty thousand dollars during the same month in each of the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six; fourteen thousand dollars during the same month in each of the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight; nine thousand dollars in the same month of each of the six years next succeeding that of one thousand eight hundred and fifty-eight; seven thousand dollars in the same month of each of the four years next succeeding the expiration of the last named period of six years; and five thousand dollars in the same month of each of the five years next succeeding the last named four years. And as the Kickapoos will remove to a new home, and will, therefore, require the principal portion of the annual payments for several years to aid in building houses, in breaking and fencing land, in buying stock, agricultural implements, and other articles needful for their comfort and civilization, it is understood that such portion of said annual payments as may be necessary will be appropriated to, and expended for, such purposes.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Kickapoos; and may assign to each person, or family, desiring it, such quantity of land as, in his opinion, will be sufficient for such person, or family, with the understanding that he, or they, will occupy, improve, and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may impose.

ARTICLE 4. It is agreed that the United States shall pay to such of the Kickapoos, as have improvements upon the lands hereby ceded, a fair compensation for the same—the value to be ascertained in such mode as shall be prescribed by the President.

ARTICLE 5. The debts of Indians con-

tracted in their private dealings as individuals, whether to traders or others, shall not be paid out of the general fund.

ARTICLE 6. It is the desire of the Kickapoo Indians that their faithful friend and interpreter, Peter Cadue, should have a home provided for him and his family. It is therefore agreed that there shall be assigned to him a tract of land equal to one section, to be taken from the legal subdivisions of the surveyed land, and to include his present residence and improvement on Cadue's creek, and the President is authorized to issue a patent to him for the same.

ARTICLE 7. It is agreed that all roads and highways laid out by authority of law, shall have right of way through the reservation on the same terms, as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the Kickapoos, shall have right of way on the payment of a fair compensation therefor in money.

ARTICLE 8. The Kickapoos release the United States from all claims or demands of any kind whatsoever, arising or which may hereafter arise under former treaties, and agree within twelve months after the ratification of this instrument, to remove and subsist themselves, without cost to the United States; in consideration of which release and agreement,

the United States agree to pay them the sum of twenty thousand dollars.

ARTICLE 9. The Kickapoos promise to use their best efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift and morality; and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and therefore bind themselves to commit no depredation or wrong upon Indians or citizens, and whenever difficulties arise to abide by the laws of the United States, in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

ARTICLE 10. The object of these articles of agreement and convention being to advance the true interests of the Kickapoo people, it is agreed, should they prove insufficient from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them; or Congress may hereafter make such provision by law, as experience shall prove to be necessary.

ARTICLE 11. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the delegates of the Kickapoo tribe of Indians have hereunto set their hands and seals at the place and on the day and in the year first herein written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
PAH-KAH-KAH, or John Kennekuk his x mark	[L. S.]
KAP-I-O-MA, or The Fox Carrier his x mark	[L. S.]
NO-KA-WAT, or The Fox Hair his x mark	[L. S.]
PE-SHA-GON, or Tug made of Bear Skin his x mark	[L. S.]
KE-WI-SAH-TUK, or Walking Bear or Squire his x mark	[L. S.]

Executed in presence of

JAMES D. KERR.

CHARLES CALVERT.

WM. B. WAUGH.

D. VANDERSLICE *Indian Agent.*

PETER CADUE his x mark *United States Interpreter*

WM. B. WAUGH *witness to signing of Peter Cadue.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did on the eleventh day of July, one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 11, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the articles of agreement and convention made and concluded at the city of Washington, this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Kickapoo tribe of Indians, viz: Pah-kah-kah, or John Kennekuk; Kap-i-o-mah, or the Fox Carrier; No-ka-wat, or the Fox Hair; Pe-she-gon, or Tug made of Bear Skin; and Ke-wi-sah-tuk, or Walking Bear or Squire; thereto duly authorized by said tribe.

Attest:

ASBURY DICKINS,
Secretary.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

* L. S. *
* *****
Done at the city of Washington, this seventeenth day of July, in the year of our Lord one thousand eight hundred and fifty-four and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE,

BY THE PRESIDENT:

W. L. MARCY,
Secretary of State.

113

TREATY

BETWEEN

THE UNITED STATES

AND THE

SAC AND FOX INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the city of Washington the eighteenth of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-to-o-ke-mah, or Hard Fish; Mo-less or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Pe-to-o-ke-mah or Hard Fish, Mo-less or Wah-pe-nem-mah or Sturgeon, Ne-son-quoit or Bear, Mo-ko-ho-ko or Jumping Fish, and No-ko-what or Fox, they being thereto duly authorized by the said Sac and Fox Indians.

ARTICLE 1. The Sacs and Foxes of Missouri hereby cede, relinquish and convey to the United States all their right, title and interest in and to the country assigned to them by the treaty concluded on the seventeenth day of September, one thousand eight hundred and thirty-six, between Wilham Clark, superintendent of Indian affairs, on the part of the United States and the Ioways and Missouri Sacs and Foxes, being the lower half of the country described in the second article thereof as "the small

strip of land on the south side of the Missouri river, lying between the Kickapoo northern boundary line and the Grand Nemahaw river, and extending from the Missouri back and westwardly with the said Kickapoo line and the Grand Nemahaw, making four hundred sections; to be divided between the said Ioways and Missouri band of Sacs and Foxes; the lower half to the Sacs and Foxes, the upper half to the Ioways;" saving and reserving fifty sections, of six hundred and forty acres each, which shall be se-

lected in the western part of the cession by the delegates, parties hereto, and the agent for the tribe after their return home, and which shall be located in one body and set off by metes and bounds: *Provided* That the delegates and agent can find such an amount of land in one body within said specified section of country suitable to the wants and wishes of the Indians. *And it is further provided* That should a suitable location upon examination to the full extent of fifty sections not be found within said western part of this cession, then the said delegates and agent shall be permitted to extend the location west or northwest of the country herein ceded and south of the Great Nemahaw river, over so much of the public domain, otherwise unappropriated, as shall make up the deficiency; or to make a selection entirely beyond the limits of the country herein ceded upon any lands of the United States, not otherwise appropriated, lying as aforesaid west or northwest of the ceded country and South of the Great Nemahaw. And in either case they shall describe their selection, which must be made within six months from the date hereof, by metes and bounds, and transmit the description thereof signed by said delegates and agent to the Commissioner of Indian Affairs; and thereupon the selection so made, shall be taken and deemed as the future permanent home of the Sacs and Foxes of Missouri. It is expressly understood that these Indians shall claim under this article, no more than fifty sections of land, and if that quantity or any portion thereof shall be selected, as provided above, outside of the reservation herein made, then said reservation or a quantity equal to that which may be selected outside thereof, shall be and the same is hereby ceded relinquished and conveyed to the United States.

ARTICLE 2. In consideration of the cession and relinquishment made in the preceding article, the United States agree to pay to the Sacs and Foxes of Missouri, the sum of forty-eight thousand dollars, in manner following, viz: fifteen thousand

dollars in the month of October in each of the years one thousand eight hundred and fifty-four and one thousand eight hundred and fifty-five, ten thousand dollars in the same month of the year one thousand eight hundred and fifty-six, and eight thousand dollars in the same month of the year one thousand eight hundred and fifty-seven; which several sums shall be paid directly to the Indians, or otherwise, as the President may deem advisable for building houses, breaking and fencing lands, purchasing stock, farming implements, seeds and such other articles as may be necessary for their comfort and prosperity.

ARTICLE 3. The President may cause to be surveyed, in the same manner in which the public lands are surveyed, the reservation herein provided for the Sacs and Foxes of Missouri; and may assign to each person, or family, desiring it, such quantity of land as, in his opinion, will be sufficient for such person, or family, with the understanding that he or they will occupy, improve and cultivate the same, and comply with such other conditions as the President may prescribe. The land thus assigned may hereafter be confirmed by patent to the parties, or their representatives, under such regulations and restrictions as Congress may prescribe.

ARTICLE 4. The said Indians reserve a tract of one section of land at the site of their present farm and mill, and to include the same; and if they desire it, said farm may be cultivated for them for a term not exceeding two years—at the end of which time, or sooner if the Indians request it, the said tract and mill may be sold by the President to the highest bidder and upon payment being made a patent to issue to the purchaser; the proceeds of the sale to be paid over to the Indians with their other moneys.

ARTICLE 5. At the request of the Indians it is hereby agreed that the board of foreign missions of the Presbyterian church shall have a tract of one hundred and sixty acres of land, to be selected by said board at a distance not exceeding

two miles in a westerly direction from the grant made to said board at their mission by the Ioway Indians—and the President is authorized to issue a patent for the same to such person or persons as said board may designate.

ARTICLE 6. The said Indians release the United States from all claims or demands of any kind whatsoever arising, or which may hereafter arise, under former treaties and agree to remove within six months after the ratification of this instrument and to subsist themselves without cost to the United States; in consideration of which release and agreement the United States agree to pay them the sum of five thousand dollars—three thousand of which may be applied to the settlement of their affairs preparatory to removal.

ARTICLE 7. The invested fund provided by the second clause of the second article of the treaty of twenty-first day of October, one thousand eight hundred and thirty-seven (being one hundred and fifty-seven thousand four hundred dollars) shall remain with the United States at an annual interest of five per cent., which interest as it accumulates shall be expended under the direction of the President in such manner as he may deem best for the interests of the Indians—and a like disposition may be made of any unexpended balance of interest now on hand.

ARTICLE 8. No part of the moneys hereby stipulated to be paid to the Indians or for their benefit, or of their invested fund, shall be applied to the payment of debts contracted by them in their private dealings, as individuals, whether with traders or otherwise.

ARTICLE 9. It is agreed by said Indians that all roads and highways laid

out by authority of law, shall have right of way through their reservation on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of these Indians, shall have right of way on the payment of a just compensation therefor in money.

ARTICLE 10. The said Indians promise to use their best efforts to prevent the introduction and use of ardent spirits in their country; to encourage industry, thrift and morality; and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and therefore bind themselves to commit no depredation or wrong upon either Indians or citizens, and whenever difficulties arise, to abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their own rights vindicated by them.

ARTICLE 11. The object of these articles of agreement and convention being to advance the true interests of the Sac and Fox Indians, it is agreed should they prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may by and with the advice and consent of the Senate adopt such policy in the management of their affairs, as, in his judgment may be most beneficial to them; or Congress may hereafter make such provisions by law, as experience shall prove to be necessary.

ARTICLE 12. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner aforesaid

and the delegates of the Sacs and Foxes of Missouri, have hereunto set their hands and seals at the place, and on the day and year first above written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
PE-TO-O-KE-MAH or Hard Fish, his x mark.	[L. S.]
MO-LESS or Wah-pe-nem-mah or Sturgeon, his x mark.	[L. S.]
NE-SON-QUOIT or Bear, his mark.	[L. S.]
MO-KO-HO-KO or Jumping Fish, his x mark.	[L. S.]
NO-KO-WHAT or Fox, his x mark.	[L. S.]

Executed in presence of—

CHARLES CALVERT.

JOHN WEST.

WM. B. WAUGH.

D. VANDERSLICE, *Indian Agent.*

PETER CADUE, his x mark, *United States Interpreter.*

WM. B. WAUGH, *witness to signing of Peter Cadue.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did on the eleventh day of July one thousand eight hundred and fifty-four, ratify the same by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 11, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington this eighteenth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the Sacs and Foxes of Missouri, viz: Po-to-o-ke-mah, or Hard Fish; Mo-less, or Wah-pe-nem-mah, or Sturgeon; Ne-son-quoit, or Bear; Mo-ko-ho-ko, or Jumping Fish; and No-ko-what, or Fox; they being thereto duly authorized by the said Sac and Fox Indians.

Attest:

ASBURY DICKINS,
Secretary.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of July, one thousand eight hundred and fifty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

* L. S. *

Done at the city of Washington, this seventeenth day of July, in
the year of our Lord one thousand eight hundred and fifty-four,
and of the independence of the United States the seventy-
ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY,
Secretary of State.



114

TREATY

BETWEEN

THE UNITED STATES

AND THE

KASKASKIAS AND OTHERS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded on the thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates of the united tribes of the Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins, Sa-wa-ne-ke-ah or Wilson, Sha-cah-quah or Andrew Chick, Ta-co-nah or Mitchell, Che-swa-wa, or Rogers, and Yellow Beaver, thereto duly authorized by said tribes, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, this thirtieth day of May, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates representing the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins, Sa-wa-ne-ke-ah or Wilson, Sha-cah-quah or Andrew Chick, Ta-ko-nah or Mitchell, Che-swa-wa or Rogers, and Yellow Beaver, they being duly authorized thereto by the said Indians.

ARTICLE 1. The tribes of Kaskaskia and Peoria Indians, and of Piankeshaw and Wea Indians, parties to the two treaties made with them respectively by William Clark, Frank J. Allen, and Nathan Kouns, commissioners on the part of the United States, at Castor Hill, on the twenty-seventh and twenty-ninth days of October, one thousand eight hundred and thirty-two having recently in joint council assembled, united themselves into a single tribe, and having expressed a desire to be recognised and regarded as such, the United States hereby assent to the action of said joint council to this end and now recognise the delegates who sign and seal this instrument

as the authorized representatives of said consolidated tribe.

ARTICLE 2. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, hereby cede and convey to the United States, all their right, title, and interest in and to the tracts of country granted and assigned to them, respectively, by the fourth article of the treaty of October twenty-seventh, and the second article of the treaty of October twenty-ninth, one thousand eight hundred and thirty-two, for a particular description of said tracts, reference being had to said articles; excepting and reserving therefrom a quantity of land equal to one hundred and sixty acres for each soul in said

united tribe, according to a schedule attached to this instrument, and ten sections additional, to be held as the common property of the said tribe,—and also the grant to the American Indian Mission Association, hereinafter specifically set forth.

ARTICLE 3. It is agreed that the United States, shall as soon as it can conveniently be done, cause the lands hereby ceded to be surveyed as the public lands are surveyed; and, that the individuals and heads of families shall, within ninety days after the approval of the surveys, select the quantity of land therefrom, to which they may be respectively entitled as specified in the second article hereof; and that the selections shall be so made, as to include in each case, as far as possible, the present residences and improvements of each—and where that is not practicable, the selections shall fall on lands in the same neighborhood; and if by reason of absence or otherwise the above mentioned selections shall not all be made before the expiration of said period, the chiefs of the said united tribe shall proceed to select lands for those in default; and shall also, after completing said last named selections, choose the ten sections reserved to the tribe; and said chiefs, in the execution of the duty hereby assigned them, shall select lands lying adjacent to or in the vicinity of those that have been previously chosen by individuals. All selections in this article provided for, shall be made in conformity with the legal subdivisions of the United States lands, and shall be reported immediately in writing with apt descriptions of the same to the agent for the tribe. Patents for the lands selected by or for individuals or families may be issued subject to such restrictions respecting leases and alienation, as the President or Congress of the United States may prescribe. When selections are so made or attempted to be made, as to produce injury to, or controversies between individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated, and decided on equitable terms, by the council

of the tribe, subject to appeal to the agent, whose decision shall be final and conclusive.

ARTICLE 4. After the aforesaid selections shall have been made, the President shall immediately cause the residue of the ceded lands to be offered for sale at public auction, being governed in all respects in conducting such sale, by the laws of the United States for the sale of public lands, and such of said lands as may not be sold at public sale, shall be subject to private entry at the minimum price of United States lands, for the term of three years; and should any thereafter remain unsold, Congress may, by law, reduce the price from time to time, until the whole of said lands are disposed of, proper regard being had in making the reduction, to the interests of the Indians, and to the settlement of the country. And in consideration of the cessions hereinbefore made, the United States agree to pay to the said Indians, as hereinafter provided, all the moneys arising from the sales of said lands after deducting therefrom the actual cost of surveying, managing, and selling the same.

ARTICLE 5. The said united tribe appreciate the importance and usefulness of the mission established in their country by the Board of the American Indian Mission Association and desiring that it shall continue with them, they hereby grant unto said board a tract of one section of six hundred and forty acres of land, which they, by their chiefs, in connection with the proper agent of the board, will select; and it is agreed that after the selections shall have been made, the President shall issue to such person or persons as the aforesaid board may designate, a patent for the same.

ARTICLE 6. The said Kaskaskias and Peorias, and the said Piankeshaws and Weas, have now, by virtue of the stipulations of former treaties, permanent annuities amounting in all, to three thousand eight hundred dollars per annum, which they hereby relinquish and release, and from the further payment of which they forever absolve the United States; and

they also release and discharge the United States from all claims or damages of every kind by reason of the non-fulfilment of former treaty stipulations, or of injuries to or losses of stock or other property by the wrongful acts of citizens of the United States; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to said united tribe, under the direction of the President, the sum of sixty-six thousand dollars, in six annual instalments, as follows: In the month of October, in each of the years one thousand eight hundred and fifty-four, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of thirteen thousand dollars, and in the same month in each of the years one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine, nine thousand dollars, and also to furnish said tribe with an interpreter and a blacksmith for five years, and supply the smith shop with iron, steel and tools for a like period.

ARTICLE 7. The annual payments provided for in article six are designed to be expended by the Indians, chiefly in extending their farming operations, building houses, purchasing stock, agricultural implements, and such other things as may promote their improvement and comfort, and shall so be applied by them. But at their request it is agreed that from each of the said annual payments the sum of five hundred dollars shall be reserved for the support of the aged and infirm, and the sum of two thousand dollars shall be set off and applied to the education of their youth; and from each of the first three there shall also be set apart and applied the further sum of two thousand dollars, to enable said Indians to settle their affairs. And as the amount of the annual receipts from the sales of their lands, cannot now be ascertained, it is agreed that the President may, from time to time, and upon consultation with said Indians, determine how much of the net proceeds of said sales shall be paid them, and how much shall be invested in safe

and profitable stocks, the interest to be annually paid to them, or expended for their benefit and improvement.

ARTICLE 8. Citizens of the United States or other persons not members of said united tribe shall not be permitted to make locations or settlements in the country herein ceded, until after the selections provided for have been made by said Indians; and the provisions of the act of Congress, approved March third one thousand eight hundred and seven, in relation to lands ceded to the United States, shall, so far as the same are applicable, be extended to the lands herein ceded.

ARTICLE 9. The debts of individuals of the tribe, contracted in their private dealings, whether to traders or otherwise, shall not be paid out of the general funds. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, expended or applied, so as to insure the benefit thereof to their families.

ARTICLE 10. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift and morality, and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredation or wrong upon either Indians or citizens; and should difficulties at any time arise, they will abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their rights vindicated by those laws.

ARTICLE 11. The object of this instrument being to advance the interests of said Indians, it is agreed if it prove insufficient from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as, in his judgment may be most beneficial to them; or, Congress may, hereafter

make such provisions by law as experience shall prove to be necessary.

ARTICLE 12. It is agreed that all roads and highways, laid out by authority of law shall have right of way through the lands herein ceded and reserved, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way, on the payment of a just compensation therefor in money.

ARTICLE 13. It is believed that all the persons and families of the said combined tribe are included in the annexed sched-

ule, but should it prove otherwise, it is hereby stipulated that such person or family shall select from the ten sections reserved as common property, the quantity due, according to the rules hereinbefore prescribed, and the residue of said ten sections, or all of them as the case may be, may hereafter, on the request of the chiefs, be sold by the President, and the proceeds applied to the benefit of the Indians.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid and the delegates of the said combined tribe have hereunto set their hands and seals, at the place and on the day and year first above written.

GEORGE W. MANYPENNY, *Commissioner.*

KIO-KAW-MO-ZAN, his x mark.

MA-CHA-KO-ME-AH, or David Lykins.

SA-WA-NE-KE-AH, or Wilson, his x mark.

SHA-CAH-QUAH, or Andrew Chick, his x mark.

TA-KO-NAH, or Mitchell, his x mark.

CHE-SWA-WA, or Rogers, his x mark.

YELLOW BEAVER, his x mark.

[L. S.]
[L. S.]
[L. S.]
[L. S.]
[L. S.]
[L. S.]
[L. S.]

Executed in the presence of—

CHARLES CALVERT,

JAMES T. WYNNE,

ROBERT CAMPBELL,

WM. B. WAUGH,

ELY MOORE, *Indian Agent.*

BAPTISTE PEORIA, his x mark, *U. S. Interpreter.*

W. B. WAUGH, *witness to signing of Baptiste Peoria.*

Schedule of persons or families composing the united tribe of Weas, Piankeshaws, Peorias and Kaskaskias with the quantity of land to be selected in each case as provided in the second and third articles.

PERSONS OR FAMILIES.	Males.	Females.	Total.	Number of acres.
Mash-she-we-lot-ta, or Joe Peoria - - - -	2	2	4	640
Marcus Lindsay - - - - -	3	3	6	960
Sam Slick - - - - -	5	1	6	960
Wah-ka-ko-nah, or Billy - - - - -	1	0	1	160
Wah-kah-ko-se-ah - - - - -	1	1	2	320
Luther Pascal - - - - -	2	2	4	640
Lewis Pascal - - - - -	1	1	2	320
John Pascal - - - - -	1	0	1	160
Edward Black - - - - -	3	2	5	800
Sha-cah-quah, or Andrew Chick - - - -	3	4	7	1,120
Che-swa-wa, or Rodgers - - - - -	2	4	6	960
John Westley - - - - -	1	1	2	320
Ma-co-se-tah, or F. Valley - - - - -	3	1	4	640
Ma-cha-co-me-yah, or David Lykins - -	3	2	5	800
Sa-wa-na-ke-keah, or Wilson - - - - -	1	2	3	480
Na-me-quah-wah - - - - -	2	0	2	320
Pun-gish-e-no-quah - - - - -	1	3	4	640
Ma-cen-sah - - - - -	1	1	2	320
Yellow Beaver - - - - -	3	3	6	960
John Charly - - - - -	3	3	6	960
Bam-ba-kap-wa, or Battiste Charly - -	2	3	5	800
Pah-to-cah - - - - -	2	2	4	640
Lee-we-ah, or Lewis - - - - -	1	2	3	480
Mah-kon-sah, junior - - - - -	2	2	4	640
Baptiste Peoria - - - - -	3	5	8	1,280
Ma-qua-ko-non-ga, or Lewis Peckham -	5	2	7	1,120
Captain Mark - - - - -	2	2	4	640
Te-com-se, or Edward Dajexat - - - -	3	1	4	640
Thomas Hedges - - - - -	1	1	2	320
Pah-ka-ko-se-qua - - - - -	0	1	1	160
En-ta-se-ma-qua - - - - -	0	1	1	160
Yon-za-na-ke-sa-gah - - - - -	2	1	3	480
Aw-sap-peen-qua-zah - - - - -	4	0	4	640
Kio-kaw-mo-zaw - - - - -	4	2	6	960
Chin-qua-ke-ah - - - - -	2	3	5	800
Peter Cloud - - - - -	3	-	3	480
Au-see-pan-nah, or Coon - - - - -	2	1	3	480
My-he-num-ba - - - - -	3	3	6	960
Kish-e-koon-sah - - - - -	1	2	3	480
Kish-e-wan-e-sah - - - - -	3	1	4	640
Sho-cum-qua - - - - -	-	2	2	320
Pe-ta-na-ke-ka-pa - - - - -	2	0	2	320

SCHEDULE OF PERSONS AND FAMILIES—Continued.

PERSONS OR FAMILIES.	Males.	Females.	Total.	Number of acres.
Pa-kan-giah - - - - -	2	1	3	480
Se-pah-ke-ah - - - - -	1	1	2	320
Ngo-to-kop-wa - - - - -	1	1	2	320
Kil-so-qua - - - - -	2	2	4	640
Be-zio, or Ben - - - - -	1	2	3	480
Kil-son-zah - - - - -	1	2	3	480
Shaw-lo-lee - - - - -	2	1	3	480
Ke-she-kon-sah, or Wea - - - - -	1	2	3	480
Ah-shaw-we-se-wah - - - - -	2	-	2	320
George Clinton - - - - -	2	-	2	320
Ke-kaw-ke-to-qua - - - - -	2	2	4	640
Sa-saw-kaw-qua-ga, or Kain Tuck - - - - -	2	3	5	800
Wah-sah-ko-le-ah - - - - -	1	3	4	640
Kin-ge-ton-no-zah, or Red Bird - - - - -	1	1	2	320
Paw-saw-qua, or Jack Booei - - - - -	3	1	4	640
No-wa-ko-se-ah - - - - -	2	-	2	320
Me-shin-qua-me-saw - - - - -	1	3	4	640
Chen-gwan-zaw - - - - -	3	-	3	480
Ke-che kom-e-ah - - - - -	2	-	2	320
Na-me-qua-wah, junior - - - - -	2	-	2	320
Ta-pah-con-wah - - - - -	1	1	2	320
Pa-pec-ze-sa-wah - - - - -	1	1	2	320
Ta-ko-nah, or Mitchell - - - - -	2	3	5	800
Pe-la-she - - - - -	1	1	2	320
Wah-ke-shin-gah - - - - -	2	2	4	640
Waw-pon-ge-quah, or Mrs. Ward - - - - -	3	3	6	960
Paw-saw-kaw-kaw-maw - - - - -	-	2	2	320
Ke-maw-lan-e-ah - - - - -	2	3	5	800
Qua-kaw-me-kaw-trua, or J. Cox - - - - -	2	2	4	640
Cow-we-shaw - - - - -	2	-	2	320
Tah-wah-qua-ke-mon-ga - - - - -	3	1	4	640

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of August, eighteen hundred and fifty-four, ratify the same, by a resolution in the words following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

August 2, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington, on the thirtieth day of May, eighteen hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the following named delegates, representing the united tribes of Kaskaskia and Peoria, Piankeshaw and Wea Indians, viz: Kio-kaw-mo-zan, David Lykins; Sa-wa-ne-ke-ah, or Wilson; Sha-cah-quah, or Andrew Chick; Ta-ko-nah, or Mitchel; Che-swa-wa, or Rogers; and Yellow Beaver; they being duly authorized thereto by said Indians.

Attest:

ASBURY DICKINS,

Secretary.

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the second day of August, one thousand eight hundred and fifty-four, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this tenth day of August, in the year of our Lord one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY,

Secretary of State.

* L. S. *



115

TREATY

BETWEEN

THE UNITED STATES

AND THE

MIAMI INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded on the fifth day of June, eighteen hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States and the following named delegates, representing the Miami tribe of Indians, viz: Nah-we-lan, or Big Legs; Ma-eat-a-chin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-eah, or John Bowrie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe, and Me-shin-go-me-zia, Po-conge-ah, Pim-yi-oh-te-mah, Wap-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present, and assenting, approving, and agreeing to, and confirming said articles of agreement and convention; which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, this fifth day of June, one thousand eight hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States, and the following named delegates representing the Miami tribe of Indians, viz: Nah-we-lan-quah, or Big Legs; Ma-cat-a-chin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-eah, or John Bowrie; and Wan-zop-c-ah; they being thereto duly authorized by said tribe—and Me-shin-go-me-ziah, Po-conge-ah, Pim-yi-oh-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-woh, or Buffalo, Miami Indians, residents of the State of Indiana, being present, and assenting, approving, agreeing to, and confirming said articles of agreement and convention.

ARTICLE 1. The said Miami Indians hereby cede and convey to the United States, all that certain tract of country set apart and assigned to the said tribe, by the article added by the Senate of the United States by resolution of the date of February twenty-fifth, one thousand eight hundred and forty-one, to the treaty of November twenty-eighth, one thousand eight hundred and forty, and denominated among the amendments of the Senate as

"Article 12," which was assented to by said Indians, on the fifteenth day of May one thousand eight hundred and forty-one; which tract is designated in said article, as "bounded on the east by the State of Missouri, and on the north by the country of the Weas and Piankeshaws, on the west by the Pottowatomies of Indiana and on the south by the land assigned to the New York Indians, estimated to contain five hundred thousand

acres," excepting and reserving therefrom seventy thousand acres for their future homes, and also a section of six hundred and forty acres for school purposes, to be selected and assigned to said tribe as hereinafter provided.

ARTICLE 2. The United States shall, as soon as it can conveniently be done, cause the lands herein ceded and reserved, to be surveyed, as the government lands are surveyed, the Miamis bearing the expense of survey of the reserved land; and within four months after the approval of such surveys, each individual or head of a family of the Miami tribe, now residing on said lands, shall select, if a single person, two hundred acres; and if the head of a family, a quantity equal to two hundred acres for each member of the family; which selections shall be so made as to include in each case, as far as practicable, the present residences and improvements of each person or family, and where it is not practicable, the selection shall fall on lands in the same neighborhood. And if, by reason of absence or otherwise, any single person or head of a family entitled to land as aforesaid, shall fail to make his or her selection within the period prescribed, the chiefs of the tribe shall proceed to select the lands for those thus in default. The chiefs shall also select the six hundred and forty acres hereinbefore reserved for their school, to include the buildings erected for school purposes and to embrace a sufficient portion of timber land. After all of the before-named selections shall have been made, the said chiefs shall further proceed to select, in a compact body, and contiguous to the individual reservations, the residue of the seventy thousand acres excepted and reserved by the preceding article, which body of land shall be held as the common property of the tribe, but may at any time, when the chiefs and a majority of the tribe request it, be sold by the President, in the manner that public lands of the United States are sold, and the proceeds, after deducting the expense of such sale, be paid to the tribe, under the direction

of the President, and in such mode as he may prescribe, *Provided*, That if any single person or family entitled to land, shall have been overlooked or wrongfully excluded and shall make the fact appear to the satisfaction of the chiefs, such person or family may, with the approbation of the Commissioner of Indian Affairs, receive their quantity, by the rule prescribed in this article, out of the tract to be thus selected and held as the common property of the tribe. All the selections herein provided for, shall, as far as practicable, be made in conformity with the legal subdivisions of United States lands, and immediately reported to the agent of the tribe, with apt descriptions of the same, and the President may cause patents to issue to single persons or heads of families for the lands selected by or for them, subject to such restrictions respecting leases and alienation as the President or Congress of the United States may impose; and the lands so patented shall not be liable to levy, sale, execution or forfeiture, *Provided* That the legislature of a State within which the ceded country may be hereafter embraced, may, with the assent of Congress, remove these restrictions. When selections are so made or attempted to be made, as to produce injury to or controversies between individuals, which cannot be settled by the parties, the matters of difficulty shall be investigated and decided on equitable terms by the chiefs of the tribe, subject to appeal to the agent, whose decision shall be final.

ARTICLE 3. In consideration of the cession hereinbefore made, the United States agree to pay to the Miami tribe of Indians the sum of two hundred thousand dollars, in manner as follows, viz: twenty annual instalments of seven thousand five hundred dollars each, the first payable on the first day of October, one thousand eight hundred and sixty, and the remainder to be paid respectively on the first day of October of each succeeding year, until the whole shall have been paid; and the remaining fifty thousand dollars, shall be invested by the President in safe and

profitable stocks, the interest thereon to be applied under his direction, for educational purposes or such objects of a beneficial character, for the good of the tribe as may be considered necessary and expedient; and hereafter whenever the President shall think proper, the sum thus provided to be invested, may be converted into money and the same paid to the tribe in such manner as he may judge to be best for their interests. No part of the moneys in this or the preceding article mentioned shall ever be appropriated or paid to the persons, families, or bands, who, by the fourteenth article of the treaty of November sixth, one thousand eight hundred and thirty-eight, by the third and fifth articles of the treaty of November twenty-eight, one thousand eight hundred and forty, or by virtue of two resolutions of Congress, approved March third, one thousand eight hundred and forty-five, and May first, one thousand eight hundred and fifty, or otherwise, are permitted to draw or have drawn in the State of Indiana their proportion of the annuities of the Miami tribe.

ARTICLE 4. It is agreed that the remaining instalments of the limited annuity of twelve thousand five hundred dollars, stipulated to be paid by the second article of the treaty of November twenty-eighth, one thousand eight hundred and forty shall be divided and paid to the said Indians hereafter as follows: to the Indiana Miamis, six thousand eight hundred and sixty-three dollars and sixty-four cents, and to the Western Miamis, five thousand six hundred and thirty-six dollars and thirty-six cents per annum; subject however to the deductions provided for in the sixth article of this instrument; and that the permanent annuity stipulated in the fifth article of the treaty of October sixth, one thousand eight hundred and eighteen, as modified by the fifth article of the treaty of October twenty-third, one thousand eight hundred and thirty-four for a blacksmith and miller, shall be continued for the benefit of said Western Miamis; but the said

Miami Indians hereby relinquish and forever absolve the United States from the payment of the 'permanent annuity of twenty-five thousand dollars, stipulated in the fourth article of the treaty of October twenty-third, one thousand eight hundred and twenty-six, of the permanent provisions for money in lieu of laborers, for agricultural assistance, for tobacco, iron, steel, and salt, and from the payment of any and all other annuities of every kind or description, if any there be, to which said Indians may now be entitled by virtue of the stipulations of any former treaty or treaties; and they also release and discharge the United States from all claims or damages on account of the non-fulfilment of the stipulations of any former treaties, or of injuries to, or destruction or loss of property by the wrongful acts of citizens or agents of the United States or otherwise; and in consideration of the relinquishments and releases aforesaid, the United States agree to pay to the said Miami Indians, the sum of four hundred and twenty-one thousand four hundred and thirty-eight dollars and sixty-eight cents, in manner as follows, viz: one hundred and ninety thousand four hundred and thirty-four dollars and sixty-eight cents, to the Miami Indians residing on the ceded land; and two hundred and thirty-one thousand and four dollars to the Miami Indians in the State of Indiana; to be paid under the direction of the President and in such manner and for such objects as he may prescribe, in six equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four. And in full payment and satisfaction of a balance of eight thousand dollars and sixty-eight cents heretofore appropriated by Congress to pay for the valuation of certain improvements or to make others in lieu of them, but which not having been expended, has gone to the surplus fund, and of the accumulation of the appropriations for the support of the poor and infirm, and the education of the youth of the tribe, as provided by the treaties of

October twenty-third, one thousand eight hundred and twenty-six, and November sixth, one thousand eight hundred and thirty-eight, amounting to fourteen thousand two hundred and twenty-three dollars and fifty cents, and of the claims of the Miamis who live on the ceded land, for damages and loss of stock and other property, caused by their removal west, and their subsequent loss by removal from Sugar Creek, it is agreed that the United States will pay to the Miami Indians residing on said ceded lands, the sum of thirty thousand dollars, to be paid as follows, viz: fourteen thousand two hundred and twenty-three dollars and fifty cents in three equal annual instalments, the first of which shall be paid in the month of October, one thousand eight hundred and fifty-four; and the sums of eight thousand dollars and sixty-eight cents, in lieu of the improvement money referred to, and seven thousand seven hundred and seventy-five dollars and eighty-two cents, being the residue of said amount of thirty thousand dollars, shall be paid immediately after the requisite appropriation shall have been made, *Provided*, That the said sum of eight thousand dollars and sixty-eight cents, shall be paid to the persons who are entitled to the same, as far as that may be practicable, and the seven thousand seven hundred and seventy-five dollars and eighty-two cents shall be paid to such of the Miamis west as have lost stock or other property by wrongful acts of citizens of the United States, while in the Indian country, and to those who were injured by the loss of improvements in their removal from Sugar Creek to their present home. The claimants, in all cases, to file their demands with the chiefs within six months after the ratification of this instrument, and if the aggregate sum of the lawful claims exceeds the amount of the fund, the claims shall be reduced by a uniform rule, so that each claimant shall receive his pro-rata; but if it fall within the amount of said fund, the excess shall be paid to the tribe as annuities are paid. Any person aggrieved

by the decision of the chiefs may appeal to the agent. *Provided however*, That if the Miami Indians of the State of Indiana desire it, and notify the Secretary of the Interior of that fact, he will cause the said sum of two hundred and thirty-one thousand and four dollars, to be invested for them in safe stocks, and pay over annually to said Indians the interest arising from such investment, and the said Miami Indians now present, from the State of Indiana, agree to take the opinion of their people on their return home and advise the department without delay.

ARTICLE 5. It is hereby understood and agreed, respecting the permanent annuity of twenty-five thousand dollars, that the said Indians shall receive the same for the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, but no longer. It is also understood and agreed (the Miamis west consenting) that as the Miamis of Indiana have had no share of the iron, steel, salt, tobacco and so forth, given under treaty stipulations, and that as there is now in the treasury under those heads of appropriation an unexpended balance of four thousand and fifty-nine dollars and eight cents, they shall have and receive said amount—and that the said annuity of twenty-five thousand dollars for said two years, shall be divided between the Miamis of Indiana and those west of Missouri, in the same proportion as the annuity of twelve thousand five hundred dollars is divided in the preceding article.

ARTICLE 6. The United States having advanced, in pursuance of a provision of the act of Congress approved August thirtieth, one thousand eight hundred and fifty-two, entitled "An act making appropriations for the current and contingent expenses of the Indian department," &c., the sum of twelve thousand four hundred and thirty-seven dollars and six cents to the Miami Indians, for the payment of an amount due to the Eel River band that had been erroneously paid to the "Miami Nation;" and the sum of one thousand five hundred and fifty-four dollars and sixty-three cents

only, having, since said advance, been withheld by the United States, as a reimbursement in part thereof, and there being still due to the United States, on account thereof, the sum of ten thousand eight hundred and eighty-two dollars and forty-three cents, it is hereby agreed that said balance shall be reimbursed fully to the United States out of the limited annuity of twelve thousand five hundred dollars, beforementioned in this instrument, in the manner and proportions following; that is to say, out of said annuity for the year one thousand eight hundred and fifty-four, and each of the five consecutive years, there shall be retained from the portion to be paid in those years to the Miamis of Indiana the sum of eight hundred and fifty-three dollars and sixty-three cents, and from the portion to be paid to the Miamis west, the sum of seven hundred dollars and ninety-nine cents, and in the year one thousand eight hundred and sixty, from the portion due the Miamis of Indiana the sum of eight hundred and fifty-three dollars and sixty-eight cents, and from the portion due those west, the sum of seven hundred and one dollars and three cents.

ARTICLE 7. Citizens of the United States or other persons not members of said tribe, shall not be permitted to make locations or settlements in the ceded country, until after the selections hereinbefore provided for have been made; and the provisions of the act of Congress approved March third, one thousand eight hundred and seven, in relation to lands ceded to the United States, shall so far as the same are applicable, be extended to the lands herein ceded.

ARTICLE 8. The debts of Indians contracted in their private dealings as individuals, whether to traders or otherwise, shall not be paid out of the general fund. And should any of said Indians become intemperate or abandoned and waste their property, the President may withhold any moneys due or payable to such, and cause them to be paid, ex-

pended or applied, so as to ensure the benefit thereof to their families.

ARTICLE 9. The said Indians promise to renew their efforts to prevent the introduction and use of ardent spirits in their country, to encourage industry, thrift and morality and by every possible means to promote their advancement in civilization. They desire to be at peace with all men, and they bind themselves not to commit depredations or wrong upon either Indians or citizens; and should difficulties at any time arise they will abide by the laws of the United States in such cases made and provided, as they expect to be protected and to have their rights vindicated by those laws.

ARTICLE 10. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands herein reserved on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies when the lines of their roads necessarily pass through the lands of the said Indians, shall have right of way on the payment of a just compensation therefor in money.

ARTICLE 11. The object of this instrument being to advance the interests of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as in his judgment, may be most beneficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary.

ARTICLE 12. It is agreed that the first instalment of the fourteen thousand two hundred and twenty three dollars and fifty cents, mentioned in the fourth article, being the accumulation of the poor, infirm and education fund, shall be applied under the direction of the President to purposes of education; and that a sufficient sum shall annually be set

apart out of the payments to the Miamis west of Missouri, so long as any of the annuities herein provided for shall continue, to be expended under the direction of the chiefs, for the support of the poor and infirm and for defraying any expenses of the tribe of a civil nature.

ARTICLE 13. It is hereby agreed that the sum of six thousand five hundred dollars may be set apart from each of the first four annual payments to be made to the Miamis west, and applied as far as it may be necessary to the

settlement of their affairs. It is also agreed that so much as may be necessary for the repair of their mill and school-house, shall be set apart from any fund now on hand belonging to said Indians, or be taken from any of the first instalments in this instrument provided for.

ARTICLE 14. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, Commissioner, as aforesaid and the said delegates representing the Miami tribe of Indians, and also the said Miami Indians residents of the State of Indiana, have hereunto set their hands and seals, at the place, and on the day and year first above written.

GEORGE W. MANYPENNY, <i>Commissioner.</i>	[L. S.]
NAH-WE-LAN-QUAH, or Big Legs, his x mark.	[L. S.]
MA-CAT-A-CHIN-QUAH, or Little Doctor, his x mark.	[L. S.]
LAN-A-PIN-CHAH, or Jack Hackley.	[L. S.]
SO-NE-LAN-GISH-EAH, or John Bowrie, his x mark.	[L. S.]
WAN-ZOP-EAH, his x mark.	[L. S.]

Miamis of Indiana.

ME-SHIN-GO-ME-ZIA, his x mark.	[L. S.]
PO-CON-GE-AH, his x mark.	[L. S.]
PIN-YI-OH-TE-NAH, his x mark.	[L. S.]
WOP-POP-PE-TAH, or Bondy.	[L. S.]
KE-AH-COT-WOH, or Buffalo, his x mark.	[L. S.]

Executed in presence of:

NATHAN RICE,
 JOSEPH F. BROWN,
 ROBERT CAMPBELL,
 JAMES T. MILLER,
 WM. B. WAUGH,
 ELY MOORE, *Indian Agent.*
 BAPTISTE PEORIA, his x mark, *U. S. Interpreter.*
 W. B. WAUGH, *witness to signing of Baptiste Peoria.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of August, eighteen hundred and fifty-four, advise and consent to the ratification of its articles and amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

August 4, 1854.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at the city of Washington, this fifth day of June, one thousand eight hundred and fifty-four, between George W. Manypenny, Commissioner on the part of the United States, and the following named delegates, representing the Miami tribe of Indians, viz: Nah-we-lan-quah, or Big Legs; Ma-eat-a-ehin-quah, or Little Doctor; Lan-a-pin-chah, or Jack Hackley; So-ne-lan-gish-cah, or John Bowrie; and Wan-zop-e-ah; they being thereto duly authorized by said tribe; and Me-shin-go-me-ziah, Po-eon-ge-ah, Pim-yi-ob-te-mah, Wop-pop-pe-tah, or Bondy, and Ke-ah-cot-wob, or Buffalo, Miami Indians, being present, and assenting, approving, agreeing to, and confirming said articles of agreement and convention, with the following

AMENDMENTS:

ARTICLE 3. Strike out the words "third and fifth" and insert the words *fifth and seventh* in lieu thereof.

ARTICLE 4. Strike out the following words: "Provided, however, That if the Miami Indians of the State of Indiana desire it, and notify the Secretary of the Interior of that fact, he will cause the said sum of two hundred and thirty-one thousand and four dollars to be invested for them in safe stocks, and pay over annually to said Indians the interest arising from such investment, and the said Miami Indians now present form the State of Indiana agree to take the opinion of their people on their return home, and advise the department without delay,"—and insert the following words in lieu of the words so stricken out:—

The sum of two hundred and thirty-one thousand and four dollars hereby stipulated to be paid to the Miami Indians of Indiana shall be held by the United States for said last named Indians, and by the government invested as the President may direct at an interest of five per cent. per annum, and which interest shall be paid annually for the period of twenty-five years to the said Miami Indians of Indiana, and at the expiration of that time or sooner if required by them and approved by the President the principal sum to be paid in full, the United States being directly responsible therefor, said investment to be made and the interest thereon to commence accruing the first day of July, eighteen hundred and fifty-five, and thence to continue: *Provided*, That no persons other than those embraced in the corrected list agreed upon by the Miannies of Indiana, in the presence of the Commissioner of Indian Affairs, in June, eighteen hundred and fifty-four, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list, shall be recipients of the payments, annuities, commutation moneys and interest hereby stipulated to be paid to the Miami Indians of Indiana unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana obtained in council, according to the custom of Miami tribe of Indians.—*Provided*, That the sum of nine thousand seven hundred and forty-six dollars and fourteen cents shall immediately be paid out of said sum of two hundred and thirty-one thousand and four dollars (and deducted from the same) to the following persons who are a portion of the Miami tribe of Indians residing in Indiana, and in the following manner; seven thousand six hundred and eighty-nine dollars and twenty-two cents to the family of Jane T. Griggs, consisting of herself and six children, to wit: Warren A—, Charles F—, Anthony W—, Ann Eliza —, Martha Jane, and Martha Elizabeth Griggs, which sum may be paid to the

said Jane T. Griggs and her husband John H. Griggs, the father of said children or to either of them; and the sum of two thousand and fifty-six dollars and ninety-two cents to Sash-o-quash and his wife E-len-e-pish-o-quash, which may be paid to the said Sash-o-quash, it being understood that the said Griggs family have drawn but one annuity for the last eight years the others having been paid to the balance of the tribe which sum of nine thousand seven hundred and forty-six dollars and fourteen cents is to be in full payment and satisfaction of all sums of money that may be due, owing or coming to said two families by virtue of this and all former treaties, on account of their being of the Miami tribe of Indians or otherwise.—

The Miami Indians of Indiana, being now represented in Washington by a fully authorized deputation, and having requested the foregoing amendments, the same are binding on them; but these amendments are in no way to affect or impair the stipulations in said treaty contained, as to the Miamies west of the Mississippi, the said amendments being final and not required to be submitted to the Miamies for their consent.—

And the sum of two thousand two hundred dollars is hereby directed to be paid to the said Indians residing in the State of Indiana, for time employed and money expended in assisting to make this treaty, which may be paid to James T. Miller, their interpreter and Tyn-yi-oh-te-mah, or to either of them to be divided among said Indians according to justice and equity.

Attest,

ASBURY DICKINS,

Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fourth day of August, eighteen hundred and fifty-four, accept, ratify and confirm the said treaty and the amendments thereto.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

* L. S. *
* * *

Done at the city of Washington, this fourth day of August, in the year of our Lord eighteen hundred and fifty-four, and of the Independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

BY THE PRESIDENT:

W. L. MARCY,

Secretary of State.

118

TREATY

BETWEEN

THE UNITED STATES

AND THE

CHOCTAW AND CHICKASAW INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Doaksville, near Fort Towson, Choctaw Nation, on the fourth day of November, eighteen and fifty-four, between the Choctaw and Chickasaw Indians, which treaty is in the words following, to wit:

Whereas a convention and agreement was made and entered into by the Choctaw and Chickasaw Indians, at Doaksville, near Fort Towson, in the Choctaw country, on the seventeenth day of January, A. D. one thousand eight hundred and thirty-seven; and, whereas, difficulties have arisen between said tribes in regard to the line of boundary, between the Chickasaw district and other districts of the Choctaw Nation, described in article 2d of said convention and agreement; and, whereas, it is the desire of the said tribes, that there shall no longer exist any dispute in regard to the boundary of the Chickasaw district, the undersigned, Thomas J. Pitchlynn, Edmund McKenny, R. M. Jones, Daniel Folsom, and Samuel Garland, commissioners duly appointed and empowered by the Choctaw tribe of red people; and Edmund Pickens, Benjamin S. Love, James T. Gaines, Sampson Folsom, and Edmund Perry, commissioners duly appointed and empowered by the Chickasaw tribe of Indians, to settle all matters in dispute between their respective tribes, which require new articles of agreement between them, have solemnly made the following articles of convention and agreement, on the fourth day of November, A. D. one thousand eight hundred and fifty-four, at Doaksville, near Fort Towson, in the Choctaw country, subject to the approval of the President and Senate of the United States.

ARTICLE 1. It is agreed by the Choctaw and Chickasaw tribes of Indians, in lieu of the boundaries established under article 2d of the convention and agreement entered into between said tribes, January 17th, A. D. 1837, the Chickasaw district of the Choctaw Nation shall be bounded as follows, viz: Beginning on the north bank of Red river, at the mouth of Island Bayou, where it empties into Red river, about twenty-six miles, on a straight line, below the mouth of False Wachitta, thence, running a northwesterly course,

along the main channel of said bayou to the junction of three prongs of said bayou nearest the dividing ridge between Wachitta and Low Blue rivers, as laid down upon Capt. R. L. Hunter's map; thence, northerly along the eastern prong of Island Bayou to its source; thence, due north to the Canadian river, thence west, along the main Canadian, to the one hundredth degree of west longitude; thence south to Red river, and down Red river to the beginning; *Provided, however*, if the line running due north from the eastern source

of Island Bayou to the main Canadian shall not include Allen's or Wa-pa-nacka academy within the Chickasaw district, then an offset shall be made from said line so as to leave said academy two miles within the Chickasaw district, north, west and south from the lines of boundary.

ARTICLE 2. It is agreed by the Choctaws, that the Chickasaws shall employ a surveyor or engineer to run out and mark the eastern line of the Chickasaw district, and by the Chickasaws that they will pay all expenses incurred in running out and marking said line; and it is mutually agreed that the chiefs of each district of

the Choctaw Nation shall appoint one commissioner to attend and supervise the running and marking of said line; the chief of the Chickasaw district giving them at least thirty days' notice of the time when the surveyor or engineer will proceed to run out and mark the line agreed upon; which shall be plainly marked upon trees, where there is timber, and by permanent monuments of stone, at every mile, where there is not sufficient timber upon which the line can be marked in a permanent manner, before the first day of August, A. D. one thousand eight hundred and fifty-five.

In testimony whereof, the parties to this convention and agreement have herunto subscribed their names and affixed their seals.

Done in triplicate, at Doaksville, near Fort Towson, Choctaw Nation, the day and year first above written.

THOS. J. PITCHLYNN, [L. S.]
EDMUND McKENNY, [L. S.]
R. M. JONES, [L. S.]
DANIEL FOLSOM, [L. S.]
SAMUEL GARLAND, [L. S.]

Commissioners on the part of Choctaws.

EDMUND PICKENS, [L. S.]
BENJAMIN S. LOVE, [L. S.]
JAMES T. GAINES, [L. S.]
SAMPSON FOLSOM, [L. S.]
EDMUND PERRY, [L. S.]

Commissioners on the part of Chickasaws.

In presence of—

GEO. W. HARKINS,
PETER FOLSON,
NICHOLAS COCHNANER,
JACKSON FRAZIER,
Chiefs of the Choctaw nation.
DOUGLAS H. COOPER,
U. S. Indian agent.
WILLIAM K. McKEAN.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-eighth day of February, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE U. S.,

"February 28, 1855.

"*Resolved*, That the assent of the Senate be, and the same hereby is, given to the articles of convention and agreement between the Choctaw and Chickasaw tribes of Indians, made on the 4th day of November, 1854, at Doaksville, near Fort Townson, Choctaw Nation.

"Attest:

ASBURY DICKINS,
"Secretary."

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-eighth day of February, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this tenth day of April, in the year of our Lord, one thousand and eight hundred and fifty-five, and of the independence of the United States, the seventy ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State*.



117

TREATY

BETWEEN

THE UNITED STATES

AND THE

ROGUE RIVER INDIANS.

THE

OF

THE





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded on the fifteenth day of November, one thousand eight hundred and fifty-four, between the United States of America and the chiefs and headmen of the Rogue River tribe of Indians, which treaty is in the words following, to wit :

Articles of an agreement entered into and concluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.

ARTICLE FIRST. It is agreed on the part of said tribe, that the Table Rock reserve, described in the treaty of the 10th September, 1853, between the United States and the Rogue River tribe, shall be possessed and occupied jointly by said tribe and such other tribes and bands of Indians as the United States shall agree with by treaty stipulations, or the President of the United States shall direct, to reside thereupon, the place of residence of each tribe, part of tribe or band on said reserve, to be designated by the superintendent of Indian affairs or Indian agent; that the tribes and bands hereafter to be settled on said reserve shall enjoy equal rights and privileges with the Rogue River tribe; and that the annuities paid to the Indians now residing, or hereafter to reside on said reserve, shall be shared by all alike, from and after said residence thereon; *Provided*, that the annuity of the Rogue River tribe, as agreed on in the treaty of the 10th September, 1853, shall not be diminished or in any way impaired thereby. It is also agreed, that the United States shall have the right to make such roads,

highways, and railroads through said reserve as the public good may from time to time require, a just compensation being made therefor.

ARTICLE SECOND. In consideration of the foregoing stipulations, it is agreed on the part of the United States to pay to the Rogue River tribe, as soon as practicable after the signing of this agreement, two thousand one hundred and fifty dollars, in the following articles: twelve horses, one beef, two yokes of oxen, with yokes and chains, one wagon, one hundred men's coats, fifty pairs of pantaloons, and fifty hickory shirts; also, that in the treaties to be made with other tribes and bands, hereafter to be located on said reserve, that provision shall be made for the erection of two smith shops; for tools, iron, and blacksmiths for the same; for opening farms and employing farmers; for a hospital, medicines, and a physician; and for one or more schools; the uses and benefits of all which, shall be secured to said Rogue River tribe, equally with the tribes and bands treated with; all the improvements made, and schools,

hospital, and shops erected, to be conducted in accordance with such laws, rules and regulations as the Congress or the President of the United States may prescribe.

ARTICLE THIRD. It is further agreed, that when at any time hereafter, the Indians residing on this reserve shall be removed to another reserve, or shall be elsewhere provided for, that the fifteen thousand dollars thereafter to be paid to said Rogue River tribe, as specified in the treaty of the 10th September, 1853, shall be shared alike by the members of all the tribes

and bands that are, or hereafter shall be located on the said Table Rock reserve.

ARTICLE FOURTH. It is also further provided, that in the event that this agreement shall not be ratified by the President and Senate of the United States, or that no other tribe or band shall be located on said reserve, the two thousand one hundred and fifty dollars stipulated in article second of this agreement, to be paid said Rogue River tribe, shall be deducted from their annuities hereafter to be paid said Indians.

In testimony whereof, the said Joel Palmer, superintendent as aforesaid, and the undersigned chiefs, and headmen of the Rogue River tribe of Indians, have hereunto set their hands and seals at Even's Creek, on the Table Rock reserve, on the day and year herein before written.

JOEL PALMER, *Superintendent*, [L. s.]

AP-SA-KA-HAH, or JOE, first chief,	his x mark,	[L. s.]
KO-KO-HA-WAH, or SAM, second chief,	his x mark,	[L. s.]
SAMBO, third chief,	his x mark,	[L. s.]
TE-CUM-TUM, or JOHN, fourth chief,	his x mark,	[L. s.]
TE-WAH-HAIT, or ELIJAH,	his x mark,	[L. s.]
CHO-CUL-TAH, or GEORGE,	his x mark,	[L. s.]
TELUM-WHAH, or BILL,	his x mark,	[L. s.]
HART-TISH, or APPELEGATE JOHN,	his x mark,	[L. s.]
QUA-CHIS, or JAKE,	his x mark,	[L. s.]
TOM,	his x mark,	[L. s.]
HENRY,	his x mark,	[L. s.]
JIM,	his x mark,	[L. s.]

Executed in presence of—

EDWARD R. GEARY, *Secretary*.
 CRIS. TAYLOR,
 JOHN FLETT, *Interpreter*.
 R. B. METCALFE.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of an agreement entered into and con-

cluded this fifteenth day of November, one thousand eight hundred and fifty-four, between Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Rogue River tribe of Indians, on the part of said tribe.

" Attest :

ASBURY DICKINS, *Secretary.*"

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

***** Done at the city of Washington, this seventh day of April, in
 * L. S. * the year of our Lord, one thousand eight hundred and fifty
 * * * * * five, and of the Independence of the United States the-
 seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

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119

TREATY

BETWEEN

THE UNITED STATES

AND THE

CHASTA AND OTHER TRIBES OF INDIANS.

1871

THE UNIVERSITY OF CHICAGO



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded, at the council ground, opposite the mouth of Applegate creek, on Rogue river, in the Territory of Oregon, on the eighteenth day of November, eighteen hundred and fifty-four, between the United States and the Chasta and other tribes of Indians, which treaty is in the words following, to wit :

Articles of a convention and agreement made and concluded at the council ground opposite the mouth of Applegate creek, on Rogue river, in the Territory of Oregon, on the eighteenth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-eton and Na-hel-ta bands, of the Chasta tribe of Indians, the Cow-nau-ti-co, Sa-cher-i-ton, and Na-al-yé bands of Scotons, and the Grave Creek band of Umpquas, to wit: Jes-tul-tut, or Little Chief, Kone-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am-i-na, or Bush-head, Te-po-kon-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.

ARTICLE FIRST. The aforesaid united bands cede to the United States all their country bounded as follows:

Commencing at a point in the middle of Rogue river, one mile below the mouth of Applegate creek; thence northerly, on the western boundary of the country heretofore purchased of the Rogue River tribe by the United States, to the head-waters of Jump-Off-Jo creek; thence westerly to the extreme northeastern limit of the country purchased of the Cow Creek band of Umpquas; thence alone that boundary to its extreme southwestern limit; thence due west to a point from which a line running due south would cross Rogue river, midway between the mouth of Grave creek and the great bend of Rogue river; thence south to the southern boundary of Oregon; thence east along said boundary to the summit of the

main ridge of the Siskiyou mountains, or until this line reaches the boundary of the country purchased of the Rogue River tribe; thence northerly along the western boundary of said purchase to the place of beginning.

ARTICLE SECOND. The said united bands agree that as soon after the ratification of this convention as practicable, they will remove to such portion of the Table Rock reserve as may be assigned them by the superintendent of Indian affairs or agent, or to whatsoever other reserve the President of United States may at any time hereafter direct.

ARTICLE THIRD. In consideration of and payment for the country herein ceded, the United States agree to pay to the said united bands the sum of two thousand dollars annually for fifteen years, from after the first day of September,

one thousand eight hundred and fifty-five, which annuities shall be added to those secured to the Rogue River tribe by the treaty of the 10th September, 1853, and the amount shared by the members of the united bands and of the Rogue River tribe, jointly and alike; said annuities to be expended for the use and benefit of said bands and tribe in such manner as the President may from time to time prescribe; for provisions, clothing, and merchandise; for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, tools, seeds, and such other objects as will in his judgment promote the comfort and advance the prosperity and civilization of said Indians. The United States also agree to appropriate the additional sum of five thousand dollars, for the payment of the claims of persons whose property has been stolen or destroyed by any of the said united bands of Indians since the first day of January, 1849; such claims to be audited and adjusted in such manner as the President may prescribe.

ARTICLE FOURTH. When said united bands shall be required to remove to the Table Rock reserve or elsewhere, as the President may direct, the further sum of six thousand five hundred dollars shall be expended by the United States for provisions to aid in their subsistence during the first year they shall reside thereon; for the erection of necessary buildings, and the breaking and fencing of fifty acres of land, and providing seed to plant the same, for their use and benefit, in common with the other Indians on the reserve.

ARTICLE FIFTH. The United States engage that the following provisions, for the use and benefit of all Indians residing on the reserve, shall be made:

An experienced farmer shall be employed to aid and instruct the Indians in agriculture for the term of fifteen years.

Two blacksmith shops shall be erected at convenient points on the reserve, and

furnished with tools and the necessary stock, and skilful smiths employed for the same for five years.

A hospital shall be erected and proper provision made for medical purposes and the care of the sick for ten years.

School-houses shall be erected and qualified teachers employed to instruct the children on the reserve, and books and stationery furnished for fifteen years.

All of which provisions shall be controlled by such laws, rules, or regulations as Congress may enact or the President prescribe.

ARTICLE SIXTH. The President may, from time to time, at his discretion, direct the surveying of a part or all of the agricultural lands on said reserve, divide the same into small farms of from twenty to eighty acres, according to the number of persons in a family, and assign them to such Indians as are willing to avail themselves of the privilege and locate thereon as a permanent home, and to grant them a patent therefor under such laws and regulations as may hereafter be enacted or prescribed.

ARTICLE SEVENTH. The annuities of the Indians shall not be taken to pay the debts individuals.

ARTICLE EIGHTH. The said united bands acknowledge themselves subject to the government of the United States, and engage to live in amity with the citizens thereof, and commit no depredations on the property of said citizens; and should any Indian or Indians violate this pledge, and the fact be satisfactorily proven, the property shall be returned, or if not returned, or if injured or destroyed, compensation may be made therefor out of their annuities. They also pledge themselves to live peaceably with one another and with other Indians, to abstain from war and private acts of revenge, and to submit all matters of difference between themselves and Indians of other tribes and bands to the decision of the United States or the agent, and to abide thereby. It is also agreed that if any individual

shall be found guilty of bringing liquor into their country, or drinking the same, his or her annuity may be withheld during the pleasure of the President.

be obligatory on the contracting parties from and after its ratification by the President and Senate of the United States.

ARTICLE NINTH. This convention shall

In testimony whereof, Joel Palmer, superintendent aforesaid, and the undersigned chiefs and headmen of said united bands, have hereunto set their hands and seals at the place and on the day and year herein written.

(Signed in duplicate.)

JOEL PALMER, <i>Superintendent,</i>		[L. S.]
JES-TUL-TUT, or Little Chief,	his x mark,	[L. S.]
KO-NE-CHE-QUOT, or Bill,	his x mark,	[L. S.]
SE-SEL-CHETL, or Salmon Fisher,	his x mark,	[L. S.]
BAS-TA-SHIN,	his x mark,	[L. S.]
For KUL-KE-AM-INA, or Bushland,		
TE-PO-KON-TA, or Sam,	his x mark,	[L. S.]
JO, (Chief of Grave Creeks,)	his x mark,	[L. S.]

Executed in presence of us—

EDWARD R. GEARY,
Secretary

JOHN FLETT,
Interpreter,
CRIS. TAYLOR.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of articles of convention and agreement made and concluded at council ground opposite the mouth of Applegate creek, on Rogue river, in the Territory of Oregon, on the eighteenth day of November, eighteen hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs and headmen of the Quil-si-cton and Na-hel-ta bands, of the Chasta tribe of Indians, the Cow-man-ti-co, Sa-chen-i-ton, and Na-al-ye, bands of Sectons, and the Grave Creek band of Umpquas, to wit; Jes-tul-tut, or Little Chief, Ko-ne-che-quot, or Bill, Se-sel-che-tel, or Salmon Fisher, Kul-ki-am-i-na, or Bushhead, Te-po-kon-ta, or Sam, and Jo, they being duly authorized thereto by said united bands.

“Attest:

“ASBURY DICKINS,
“Secretary.”

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States, to be hereto affixed, having signed the same with my hand.

***** Done at the city of Washington, this tenth day of April, in the
 * L. S. * year of our Lord, one thousand eight hundred and fifty-
 * * * five, and of the independence of the United States the
 * * * seventy-ninth.

FRANKLIN PIERCE.

By the President:
 W. L. MARCY,
Secretary of State.

119

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

MO-LAL-LA-LAS INDIANS.

NOVEMBER 29, 1854. RATIFIED APRIL 27, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded, at Dayton, in Oregon, on the twenty-first day of December, one thousand eight hundred and fifty-five, between Joel Palmer, Superintendent of Indian Affairs for the Territory of Oregon, on the part of the United States, and the hereinafter-named Chiefs and Headmen of the Mo-lal-la-las, or Molel tribe of Indians, on behalf of and duly authorized by the said tribe, which treaty is in the words and figures following, to wit:

Articles of convention and agreement entered into this 21st day of December, 1855, between Joel Palmer, superintendent of Indian affairs, acting for and in behalf of the United States, and the chiefs and headmen of the Mo-lal-la-las, or Molel tribe of Indians, they being authorized by their respective bands in council assembled.

ARTICLE I. The above named tribe of Indians hereby cede to the United States all their right, title, interest and claim to all that part of Oregon Territory situated and bounded as hereinafter described, the same being claimed by them, to wit: Beginning at Scott's Peak, being the northeastern termination of the purchase made of the Umpqua and Calapooias of Umpqua valley on the 29th day of November, 1854; thence running southerly on the eastern boundary line of that purchase and the purchase of the Cow Creeks, on the 19th day of September, 1853, and the tract purchased of the Scotens, Chastas and Grave Creeks, on the 19th day of November, 1854, to the boundary of the Rogue river purchase made on the 10th day of September, 1853; thence along the northern boundary of that purchase to the summit of the Cascade mountains; thence northerly along the summit of said mountains to a point due east of

Scott's Peake; thence west to the place of beginning.

ARTICLE II. In consideration of the cession and relinquishment herein made, the United States agree to make the following provisions for said Indians and pay the sums of money as follows:

1. To secure to the members of said tribe all the rights and privileges guaranteed by treaty to the Umpqua and Calapooias, of the Umpqua valley, jointly with said tribes, they hereby agreeing to confederate with those bands.

2. To erect and keep in repair and furnish suitable persons to attend the same for the term of ten years, the benefits of which to be shared alike by all the bands confederated, one flouring mill and one saw mill.

3. To furnish iron, steel, and other materials for supplying the smith's shop and tin shop stipulated in the treaty of November 29, 1854, and pay for the services of the necessary me-

chanics for that service for five years in addition to the time specified by that treaty.

4. To establish a manual labor school, employ and pay teachers, furnish all necessary materials and subsistence for pupils, of sufficient capacity to accommodate all the children belonging to said confederated bands of suitable age and condition to attend said school.

5. To employ and pay for the services of a carpenter and joiner for the term of ten years to aid in erecting buildings and making furniture for said Indians, and to furnish tools for use in said service.

6. To employ and pay for the services of an additional farmer for the term of five years.

ARTICLE III. In consequence of the existence of hostilities between the whites and a portion of the Indian tribes in southern Oregon and northern California, and the proximity of the Umpqua reservation to the mining district, and the consequent fluctuating and transient population, and the frequent commission by whites and Indians of petty offences, calculated to disturb the peace and harmony of the settlement, it is hereby agreed, the Umpquas and Calapooias agreeing, that the bands thus confederated shall immediately remove to a tract of land selected on the headwaters of the Yamhill river adjoining the coast reservation, thereon to remain until the proper improvements are made upon that reservation for the accommodation of said confederate bands, in accordance with the provisions of this and the treaty of the 29th November, 1854, and when so made, to remove to said coast reservation, or such other point as may, by direction of the President of the United

States, be designated for the permanent residence of said Indians.

ARTICLE IV. For the purpose of carrying out in good faith the objects expressed in the preceding article, it is hereby agreed on the part of the United States, that the entire expense attending the removal of the bands named, including transportation and subsistence, and the erection of temporary buildings at the encampment designated, as well as medical attendance on the sick, shall be paid by the United States.

ARTICLE V. It is further agreed that rations, according to the army regulations, shall be furnished the members of the said confederate bands, and distributed to the heads of families, from the time of their arrival at the encampment on the headwaters of Yamhill river until six months after their arrival at the point selected as their permanent residence.

ARTICLE VI. For the purpose of ensuring the means of subsistence for said Indians, the United States engage to appropriate the sum of twelve thousand dollars for the extinguishment of title and the payment of improvements made thereon by white settlers to lands in the Grand Round valley, the point of encampment referred to, to be used as wheat farms, or other purposes, for the benefit of said Indians, and for the erection of buildings upon the reservation, opening farms, purchasing of teams, tools and stock; the expenditure of which amounts, and the direction of all the provisions of this convention, shall be in accordance with the spirit and meaning of the treaty of 29th November, 1854, with the Umpqua and Calapooia tribes aforesaid.

In witness whereof, we, the several parties, hereto set our hands and seals, the day and date before written.

JOEL PALMER, [L. s.]
Superintendent Indian Affairs.

Steencogy,
Lattchie,
Dugings,
Couninase,

his x mark. [L. s.]
his x mark. [L. s.]
his x mark. [L. s.]
his x mark. [L. s.]

Done in presence of the undersigned witnesses—
C. M. WALKER.
T. R. MAGRUDER.
JOHN FLETT, *Interpreter.*

We, the chiefs and headmen of the Umpqua and Calapooia tribes, treated with in the Umpqua valley, on the 29th day of November, 1854, referred to in the foregoing treaty, to the provisions of this treaty, this day in convention accede to all the terms therein expressed.

In witness whereof, we do severally hereto set our names and seals, the day and date written in the foregoing treaty.

Louis La Pe Cinque,	his x mark.	[L. S.]
Peter,	his x mark.	[L. S.]
Tom,	his x mark.	[L. S.]
Billy,	his x mark.	[L. S.]
Nessick,	his x mark.	[L. S.]
George,	his x mark.	[L. S.]
Bogus,	his x mark.	[L. S.]
Cars,	his x mark.	[L. S.]

Done in presence of the undersigned witnesses—

C. M. WALKER,
T. R. MAGRUDER,
JOHN FLETT, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by the following resolution :

“IN EXECUTIVE SESSION, SENATE UNITED STATES,
“March 8, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs and Headmen of the Mo-lal-la-las or Molel tribe of Indians, signed 21st December, 1855.

“Attest :

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this twenty-seventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*



720

TREATY

BETWEEN,

THE UNITED STATES

AND THE

UMPQUA AND CALAPOOIA INDIANS.

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FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Calapooia Creek, Douglass county, Oregon Territory, on the twenty-ninth day of November, one thousand eight hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calipooias residing in Umpqua Valley, to wit: Napesa, or Louis, head chief; Peter, or Injice; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma, or William; Cheen-len-ten, or George; Nas-yah, or John; Absaquil, or Cheenook; Jo and Tom, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at Calapooia Creek, Douglas county Oregon Territory, this twenty-ninth day of November one thousand eight hundred and fifty-four, by Joel Palmer superintendent of Indian affairs on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calapooias residing in Umpqua valley, to wit: Napesa or Louis head chief, Peter or Injice, Tasyah or General Jackson, Bogus, Nessick Et-na-ma or William, Cheen-len-ten or George, Nasyah or John, Absaquil or Cheenook, Jo and Tom, they being assembled in council with their respective bands.

ARTICLE FIRST. The confederate bands of Umpqua and Calipooia Indians cede to the United States all their country included within the following limits, to wit: Commencing at the north west corner of the country purchased of the Galeese Creek and Illinois River Indians on the 18th day of November 1854, and running thence east, to the boundary of the Cow Creek purchase, thence northerly along said boundary to its northeastern extremity; thence east to the main ridge of the Cascade mountains; thence northerly to the main falls of the North Umpqua river; thence to Scott's peak, bearing easterly from the head-waters of Calapooia creek;

thence northerly to the connexion of the Calapooia mountains with the Cascade range; thence westerly along the summit of the Calapooia mountains to a point whence a due south line would cross Umpqua river at the head of tide-water; thence on that line to the dividing ridge between the waters of Umpqua and Coose rivers; thence along that ridge, and the divide between Coquille and Umpqua rivers to the western boundary of the country purchased of the Galeese Creek Indians, or of the Cow Creek Indians, as the case may be, and thence to the place of beginning.

Provided however, that so much of the

lands as are embraced within the following limits, shall be held by said confederated bands and such other bands as may be designated to reside thereupon, as an Indian reservation. To wit: Commencing at a point three miles due south of the mouth of a small creek emptying into the Umpqua river near the western boundary of John Churchill's land claim at the lower end of Cole's valley; thence north to the middle of the channel of Umpqua river; thence up said river to a point due south of the highest peak of the ridge, immediately west of Allan Hubbard's land claim; thence to said peak, thence along the summit of the ridge dividing the waters, to its termination at or near the mouth of Little Canyon creek; thence, crossing the Umpqua river in a westerly direction to the highlands opposite the mouth of said creek; thence following the divide until it reaches a point whence a line drawn to the place of beginning will run three miles south of the extreme southern bend in the Umpqua river between these two points; and thence to the place of beginning. And should the President at any time believe it demanded by the public good and promotive of the best interests of said Indians to be located elsewhere, the said Indians agree peaceably and without additional expense to the government of the United States to remove to such reserve as may be selected; provided that a delegation of three or more of the principal men of said bands selected by them, shall concur with the authorized agent or agents of the United States in the selection of said new reserve. And when said removal shall take place, the particular tracts then actually occupied by said Indians, on the reserve herein described, according to the provisions of this treaty; and those occupied by Indians of other bands that may be located thereon, shall be sold by order of the President of the United States, and the proceeds of such sale expended in permanent improvements on the new reserve, for the use and benefit of the holders of said tracts respectively.

ARTICLE SECOND. The confederated bands agree that as soon after the United States shall make the necessary provision for fulfilling the stipulations of this treaty, as they conveniently can, and not to exceed one year after such provision is made, they will vacate the ceded territory and remove to the lands herein reserved for them.

ARTICLE THIRD. In consideration of and payment for the country herein ceded, the United States agree to pay the said confederated bands the several sums of money following, to wit: First, three thousand dollars per annum for the term of five years, commencing on the first day of September, 1855. Second, two thousand three hundred dollars per annum for the term of five years next succeeding the first five. Third, one thousand seven hundred dollars per annum for the term of five years next succeeding the second five years. Fourth, one thousand dollars per annum for the term of five years next succeeding the third five years.

All of which several sums of money shall be expended for the use and benefit of the confederated bands under the direction of the President of the United States, who may from time to time at his discretion, determine what proportion shall be expended for such beneficial objects as in his judgment will be calculated to advance them in civilization; for their moral improvement and education; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds &c.; for clothing, provisions and merchandise; for iron, steel, arms and ammunition; for mechanics and tools, and for medical purposes.

ARTICLE FOURTH. In order to enable the said Indians to remove to their new home, and subsist themselves for one year thereafter (and which they agree to do without further expense to the United States) and to provide for the breaking up and fencing of fifty acres of land and the erection of buildings on the reserve, the purchase of teams, farming utensils, tools &c., and for other purposes necessary to their comfort and subsistence, they shall receive from

the United States the further sum of ten thousand dollars, to be paid out and expended under the direction of the President, and in such manner as he shall approve.

ARTICLE FIFTH. The President may from time to time, at his discretion, cause the whole, or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof as provided for in the first article, to be surveyed into lots, and assign to such Indian or Indians of said confederated bands as are willing to avail themselves of the privilege, and who will locate thereon as a permanent home, if a single person over twenty-one years of age, twenty acres; to each family of two persons, forty acres; to each family of three and not exceeding five persons, sixty acres; to each family of six and not exceeding ten persons, eighty acres; and to each family over ten in number, forty acres for each additional five members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may at any time at his discretion, after such person or family has made location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force until a State constitution, embracing such land within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such family shall at any time neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same, or, if not issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other

moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of the Indians residing on the reserve.

No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

ARTICLE SIXTH. The United States agree to erect for said Indians a good blacksmith shop, furnish it with tools, and keep it in repair for ten years, and provide a competent blacksmith for the same period; to erect suitable buildings for a hospital, supply medicines, and provide an experienced physician for fifteen years; to provide a competent farmer to instruct the Indians in agriculture for ten years; and to erect a school-house, and provide books, stationery, and a properly qualified teacher for twenty years.

ARTICLE SEVENTH. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE EIGHTH. The said confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens.

And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent, for decision and abide thereby. And if any of the said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. Said Indians further engage to submit to, and observe all laws, rules and regula-

tions which may be prescribed by the United States for the government of said Indians.

ARTICLE NINTH. It is hereby provided in order to prevent the evils of intemperance among said Indians that any one of them who shall be guilty of bringing liquor into their reserve, or shall drink liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE TENTH. The said confederate bands agree, that all the necessary roads, highways, and railroads which may be constructed as the country improves, the

lines of which may run through the reservation of said Indians, shall have the right of way therein, a just compensation being made therefor.

ARTICLE ELEVENTH. The merchandise distributed to the members of the said confederated bands at the negotiation of this treaty shall be considered as in part payment of the annuities herein provided.

ARTICLE TWELFTH. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs and heads of the said confederated bands of Umpquas and Calapooias have hereunto set their hands and seals, at the place, and on the day and year heretofore written.

JOEL PALMER, <i>Superintendent</i>		[L. s.]
NA-PE-SA or Louis	his x mark	[L. s.]
INJICE or Peter	his x mark	[L. s.]
TAS-YAH or Gen. Jackson	his x mark	[L. s.]
BOGUS	his x mark	[L. s.]
NESSICK	his x mark	[L. s.]
ET-NA-MA or William	his x mark	[L. s.]
CHEEN-LEN-TEN or George	his x mark	[L. s.]
NAS-YAH or John	his x mark	[L. s.]
ABSAQUIL or Cheenook	his x mark	[L. s.]
JO	his x mark	[L. s.]
TOM	his x mark	[L. s.]

Executed in the presence of us

EDWARD R. GEARY, *Secy.*

CRIS TAYLOR

JOHN FLETT, *Interpreter.*

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

" IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

" March 3, 1855.

" *Resolved*, (two-thirds of the senators present concurring.) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Calapooia Creek, Douglass county, Oregon Territory, this twenty-ninth

day of November, eighteen hundred and fifty-four, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and heads of the confederated bands of the Umpqua tribe of Indians and of the Calipooias residing in Umpqua valley, to wit: Na-pe-sa, or Louis, head chief; Peter, or Injice; Tas-yah, or General Jackson; Bogus; Nessick; Et-na-ma, or William; Cheen-len-ten, or George; Nas-yah, or John; Absaquil, or Cheenook; Joe, and Tom, they being assembled in council with their respective bands.

"Attest:

ASBURY DICKINS,

"Secretary."

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

***** Done at the city of Washington, this thirtieth day of March, in
 * L. S. * the year of our Lord, one thousand eight hundred and fifty-five,
 * * * and of the Independence of the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



121

TREATY

BETWEEN

THE UNITED STATES

AND THE

OTTOE AND MISSOURIA INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America and the chiefs and headmen of the confederate tribes of the Otoe and Missouri Indians, which treaty is in the words following, to wit:

Article of agreement and convention made and concluded at Nebraska City, in the Territory of Nebraska, on the ninth day of December, one thousand eight hundred and fifty-four, between the United States of America, by George Hepner, United States Indian agent, duly authorized thereto, and the chiefs and headmen of the confederate tribes of the Otoe and Missouri Indians, to be taken and considered as a supplement to the treaty made between the United States and said confederate tribes, on the fifteenth day of March, one thousand eight hundred and fifty-four.

Whereas, by the first article of the treaty in the caption mentioned, it is stipulated that the confederate tribes of Otoe and Missouri Indians cede to the United States all their country west of the Missouri river, excepting a strip of land on the waters of the Big Blue river, ten miles in width, and bounded as follows: commencing at a point in the middle of the main branch of the Big Blue river, in a west or southwest direction from old Fort Kearney, at a place called by the Indians the "Islands;" thence west to western boundary of the country hereby ceded; thence in a northerly course with said western boundary ten miles; thence east to a point due north of the starting point and ten miles thencefrom; thence to the place of beginning.

And whereas, upon exploration of said reservation by the said confederate tribes, it was found that they had been mistaken as to the location thereof, much the larger portion, or nearly the entirety of it, being to the west of the Big Blue river, and without sufficiency of timber, and they being dissatisfied therewith, and the United States being desirous of removing all cause of complaint, this article is entered into.

ARTICLE. It is agreed and stipulated between the United States and the said confederate tribes of Otoe and Missouri Indians, that the initial point of their reservation, in lieu of that stated in the treaty in the caption hereof mentioned, shall be a point five miles due east thereof, thence west twenty-five miles,



122



TREATY

BETWEEN

THE UNITED STATES

AND THE

NISQUALLY AND OTHER BANDS OF INDIANS.



1975

1975-1976

1975-1976



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded on the She-nah-nam, or Medicine creek, in the Territory of Washington, on the twenty-sixth day of December, one thousand eight hundred and fifty-four, between the United States of America and the Nisqually and other bands of Indians, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded on the She-nah-nam, or Medicine creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squawksin, S'Homamish, Steh-ebass, T'Peeksin, Squi-aitl, and Sa-beh-wamish tribes and bands of Indians, occupying the lands lying round the head of Puget's sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

ART. I. The said tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows, to wit: Commencing at the point on the eastern side of Admiralty inlet, known as Point Pully, about midway between Commencement and Elliott bays; thence running in a southeasterly direction, following the divide between the waters of the Puyallup and Dwamish or White rivers, to the summit of the Cascade mountains; thence southerly, along the summit of said range, to a point opposite the main source of the Skookum Chuck creek; thence to and down said creek, to the coal mine; thence northwesterly, to the summit of the Black Hills; thence

northerly, to the upper forks of the Sat-sop river; thence northeasterly, through the portage known as Wilkes's Portage, to Point Southworth, on the western side of Admiralty inlet; thence around the foot of Vashon's island, easterly and southeasterly, to the place of beginning.

ART. II. There is, however, reserved for the present use and occupation of the said tribes and bands the following tracts of land, viz: The small island called Klah-che-min, situated opposite the mouths of Hammersley's and Totten's inlets, and separated from Hartstene island by Peal's passage, containing about two sections of land by estimation; a square tract containing two sections, or twelve hundred and eighty acres, on Puget's Sound, near the mouth of the She-nah-nam creek, one mile west of the

meridian line of the United States land survey, and a square tract containing two sections, or twelve hundred and eighty acres, lying on the south side of Commencement bay; all which tracts shall be set apart and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the tribe and the superintendent or agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the meantime, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience roads may be run through their reserves, and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them.

ART. III. The right of taking fish at all usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: *Provided, however,* That they shall not take shell fish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding horses, and shall keep up and confine the latter.

ART. IV. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of thirty-two thousand five hundred dollars, in the following manner, that is to say: For the first year after the ratification hereof three thousand two hundred and fifty dollars; for the next two years three thousand dollars each year; for the next three years two thousand dollars each year; for the next four years fifteen

hundred dollars each year; for the next five years twelve hundred dollars each year, and for the next five years one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ART. V. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of three thousand two hundred and fifty dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

ART. VI. The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the

President, and payment be made accordingly therefor.

ART. VII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ART. VIII. The aforesaid tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ART. IX. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and, therefore, it is provided, that any Indian belonging to said tribes who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities with-

held from him or her for such time as the President may determine.

ART. X. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof and to support for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands, in common with those of the other tribes of the said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employées, and medical attendance, to be defrayed by the United States, and not deducted from the annuities.

ART. XI. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

ART. XII. The said tribes and bands finally agree not to trade at Vancouver's island, or elsewhere out of the dominions of the United States; nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ART. XIII. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands, have herunto set their hands and seals at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]

Governor and Superintendent Territory of Washington.

QUI-EE-METL, his x mark, [L. s.]
SNO-HO-DUMSET, his x mark, [L. s.]

LESH-HIGH.	his x mark,	[L. S.]
SLIP-O-ELM.	his x mark,	[L. S.]
KWI-ATS,	his x mark,	[L. S.]
STEE-HIGH.	his x mark,	[L. S.]
DI-A-KEH,	his x mark,	[L. S.]
HI-TEN,	his x mark,	[L. S.]
SQUA-TA-HUN.	his x mark,	[L. S.]
KAHK-TSE-MIN,	his x mark,	[L. S.]
SONAN-O-YUTL,	his x mark,	[L. S.]
KL-TEHP,	his x mark,	[L. S.]
SAHL-KO-MIN,	his x mark,	[L. S.]
T'BET-STE-HEH-BIT,	his x mark,	[L. S.]
TCHA-HOOS-TAN,	his x mark,	[L. S.]
KE-CHA-HAT,	his x mark,	[L. S.]
SPEE-PEH,	his x mark,	[L. S.]
SWE-YAH-TUM.	his x mark,	[L. S.]
CHAH-ACHSH,	his x mark,	[L. S.]
PICH-KEHD,	his x mark,	[L. S.]
S'KLAH-O-SUM,	his x mark,	[L. S.]
SAH-LE-TATL,	his x mark,	[L. S.]
SEE-LUP,	his x mark,	[L. S.]
E-LA-KAH-KA.	his x mark,	[L. S.]
SLUG-YEH,	his x mark,	[L. S.]
III-NUK,	his x mark,	[L. S.]
MA-MO-NISH,	his x mark,	[L. S.]
CHEELS,	his x mark,	[L. S.]
KNUTCANU,	his x mark,	[L. S.]
BATS-TA-KOBE,	his x mark,	[L. S.]
WIN-NE-YA,	his x mark,	[L. S.]
KLO-OUT,	his x mark,	[L. S.]
SE-UCH-KA-NAM,	his x mark,	[L. S.]
SKE-MAH-HAN,	his x mark,	[L. S.]
WUTS-UN-A-PUM,	his x mark,	[L. S.]
QUUTS-A-TADM,	his x mark,	[L. S.]
QUUT-A-HEH-MTSN,	his x mark,	[L. S.]
YAH-LEH-CHN,	his x mark,	[L. S.]
TO-LAHL-KUT,	his x mark,	[L. S.]
YUL-LOUT,	his x mark,	[L. S.]
SEE-AHTS-OOT-SOOT,	his x mark,	[L. S.]
YE-TAHKO,	his x mark,	[L. S.]
WE-PO-IT-EE,	his x mark,	[L. S.]
KAH-SLD,	his x mark,	[L. S.]
LA'H-HOM-KAN,	his x mark,	[L. S.]
PAH-HOW-AT-ISH,	his x mark,	[L. S.]
SWE-YEHM,	his x mark,	[L. S.]
SAH-HWILL,	his x mark,	[L. S.]
SE-KWAHT,	his x mark,	[L. S.]
KAH-HUM-KLT,	his x mark,	[L. S.]
YAH-KWO-BAH,	his x mark,	[L. S.]
WUT-SAH-LE-WUN,	his x mark,	[L. S.]
SAH-BA-HAT,	his x mark,	[L. S.]
TEL-E-KISH,	his x mark,	[L. S.]

SWE-KEH-NAM,	his x mark,	[L. S.]
SIT-OO-AH,	his x mark,	[L. S.]
KO-QUEL-A-CUT,	his x mark,	[L. S.]
JACK,	his x mark,	[L. S.]
KEH-KISE-BE-LO,	his x mark,	[L. S.]
GO-YEH-HN,	his x mark,	[L. S.]
SAH-PUTSH,	his x mark,	[L. S.]
WILLIAM,	his x mark,	[L. S.]

Executed in the presence of us—

M. T. SIMMONS,
Indian Agent.

JAMES DOTY,
Secretary of the Commission.

C. H. MASON,
Secretary Washington Territory

W. A. SLAUGHTER,
1st Lieut. 4th Infantry,

JAMES McALISTER,

E. GIDDINGS, jr.,

GEORGE SHAZER,

HENRY D. COCK,

S. S. FORD, jr.,

JOHN W. McALISTER,

CLOVINGTON CUSHMAN,

PETER ANDERSON,

SAMUEL KLADY,

W. H. PULLEN,

P. O. HOUGH,

E. R. TYERALL,

GEORGE GIBBS,

BENJ. F. SHAW, *Interpreter,*

HAZARD STEVENS.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
"March 3, 1855.

"Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the Sho-nah-nam, or Medicine creek, in the Territory of Washington, this twenty-sixth day of December, in the year one thousand eight hundred and fifty-four, by Isaac I. Stevens, governor and superintendent of Indian affairs of the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nisqually, Puyallup, Steilacoom, Squaksin, S'Homamish, Steh-chass, T'Pecksin, Squi-aith, and Sa-heh-wamish tribes and bands of

Indians occupying the lands lying round the head of Puget's Sound and the adjacent inlets, who, for the purpose of this treaty, are to be regarded as one nation, on behalf of said tribes and bands, and duly authorized by them.

"Attest:

ASBURY DICKINS,

"Secretary."

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

***** Done at the city of Washington, this tenth day of April, in
 * L. S. * the year of our Lord one thousand eight hundred and fifty-five,
 * * * * * and of the independence of the United States the seventy-
 * * * * * ninth.

FRANKLIN PIERCE

By the President:

W. L. MARCY, *Secretary of State*.

123

TREATY
BETWEEN
THE UNITED STATES

AND THE
DWAMISH, SUQUAMISH, AND OTHER ALLIED AND
SUBORDINATE TRIBES OF INDIANS IN
WASHINGTON TERRITORY.

JANUARY 22, 1855. RATIFIED APRIL 11, 1859.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Muckl-te oh, or Point Elliott, in the Territory of Washington, the twenty-second day of January, one thousand eight hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the hereinafter-named chiefs, headmen and delegates of the Dwamish, Suquamish, Sk tahl-mish, Sam-ahmish, Smalh kahmish, Skope-ahmish, St-kah-mish, Snoqualmoo, Skai-wha-mish, N'Quentl-ma-mish, Sk-tah-le jum, Stoluck-wha-mish, Sno-ho-mish, Skagit, Kik-i-allus, Swin a mish, Squin ah-mish, Sah ku-mehu, Noo wha-ha, Nook wa-chah mish, Mee see-quaguilch, Cho bah-ah-bish and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes and duly authorized by law; which treaty is in the following words and figures to wit:

Articles of agreement and convention made and concluded at Múckl te-óh, or Point Elliott, in the Territory of Washington, this twenty-second day of January, eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Dwámish, Suquamish, Sk-táhl-mish, Samáhmish, Smalh-kamish, Skope-áhmish, St-káh-mish, Snoquálmoo, Skai-wha-mish, N'Quentl-má-mish, Sk-táh-le-jum, Stoluck-whá-mish, Sno-ho-mish, Skágit, Kik-i-állus, Swin-a-mish, Squin-ah-mish, Sah-ku-méhu, Noo-whá-ha, Nook-wa-cháh-mish, Me-sée-qua-guilch, Cho-bah-áh-bish, and other allied and subordinate tribes and bands of Indians occupying certain lands situated in said Territory of Washington, on behalf of said tribes, and duly authorized by them.

ART. I. The said tribes and bands of right, title, and interest in and to the Indians hereby cede, relinquish, and lands and country occupied by them, convey to the United States all their bounded and described as follows: Com-

mencing at a point on the eastern side of Admiralty inlet, known as Point Pully, about midway between Commencement and Elliott bays; thence eastwardly, running along the north line of lands heretofore ceded to the United States by the Nisqually, Puyallup, and other Indians, to the summit of the Cascade range of mountains; thence northwardly, following the summit of said range to the 49th parallel of north latitude; thence west, along said parallel to the middle of the gulf of Georgia; thence through the middle of said gulf and the main channel through the Canal de Arro to the straits of Fuca, and crossing the same through the middle of Admiralty inlet to Suquamish Head; thence southwesterly, through the peninsula, and following the divide between Hood's canal and Admiralty inlet to the portage known as Wilkes' portage; thence northeastwardly, and following the line of lands heretofore ceded as aforesaid to Point Southworth, on the western side of Admiralty inlet, and thence round the foot of Vashon's island eastwardly and southeastwardly to the place of beginning, including all the islands comprised within said boundaries, and all the right, title, and interest of the said tribes and bands to any lands within the territory of the United States.

ART. II. There is, however, reserved for the present use and occupation of the said tribes and bands the following tracts of land, viz: the amount of two sections, or twelve hundred and eighty acres, surrounding the small bight at the head of Port Madison, called by the Indians *Noo-sohk-um*; the amount of two sections, or twelve hundred and eighty acres, on the north side of *Hwomish* bay and the creek emptying into the same called *Kwilt-seh-da*, the peninsula at the southeastern end of *Perry's* island called *Sháis-quihl*, and the island called *Chah-choo-sen*, situated in the *Summi* river at the point of separation of the mouths emptying respectively into *Bellingham* bay and the gulf of Georgia; all which tracts shall be set apart, and so far as necessary surveyed and marked

out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribes or bands, and of the superintendent or agent, but, if necessary for the public convenience, roads may be run through the said reserves, the Indians being compensated for any damage thereby done them.

ART. III. There is also reserved from out the lands hereby ceded the amount of thirty-six sections, or one township of land, on the northeastern shore of *Port Gardner*, and north of the mouth of *Snohomish* river, including *Tulalip* bay and the before mentioned *Kwilt-seh-da* creek, for the purpose of establishing thereon an agricultural and industrial school, as hereinafter mentioned and agreed, and with a view of ultimately drawing thereto and settling thereon all the Indians living west of the Cascade mountains in said Territory; provided, however, that the President may establish the central agency and general reservation at such other point as he may deem for the benefit of the Indians.

ART. IV. The said tribes and bands agree to remove to and settle upon the said first above mentioned reservations within one year after the ratification of this treaty, or sooner, if the means are furnished them. In the meantime it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied, if with the permission of the owner.

ART. V. The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands; provided, however, that they shall not take shell fish from any beds staked or cultivated by citizens.

ART. VI. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of one hundred and fifty thousand dollars,

in the following manner—that is to say : For the first year after the ratification hereof, fifteen thousand dollars; for the next two years, twelve thousand dollars each year; for the next three years, ten thousand dollars each year; for the next four years, seven thousand five hundred dollars each year; for the next five years, six thousand dollars each year; and for the last five years, four thousand two hundred and fifty dollars each year. All which said sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same; and the Superintendent of Indian Affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ART. VII. The President may hereafter, when in his opinion the interests of the Territory shall require and the welfare of the said Indians be promoted, remove them from either or all of the special reservations hereinbefore made to the said general reservation, or such other suitable place within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of such removal, or may consolidate them with other friendly tribes or bands; and he may further at his discretion cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the 6th article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made accordingly therefor.

ART. VIII. The annuities of the afore-

said tribes and bands shall not be taken to pay the debts of individuals.

ART. IX. The said tribes and bands acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens. Should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and the other Indians to the government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on other Indians within the Territory the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ART. X. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ART. XI. The said tribes and bands agree to free all slaves now held by them and not to purchase or acquire others hereafter.

ART. XII. The said tribes and bands further agree not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in their reservations without consent of the superintendent or agent.

ART. XIII. To enable the said Indians to remove to and settle upon their aforesaid reservations, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of fifteen thousand dollars, to be laid out and expended under the direction of the President and in such manner as he shall approve.

ART. XIV. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for a period of twenty years, an agricultural and industrial school, to be free to children of the said tribes and bands in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and

also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer for the like term of twenty years to instruct the Indians in their respective occupations. And the United States finally agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of said school, shops, persons employed, and medical attendance to be defrayed by the United States, and not deducted from the annuities.

ART. XV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, Governor and Superintendent, [L. s.]

Seattle, his x mark. [L. s.]

Chief of the Dwamish and Suquamish tribes.

Pat-ka-nam, his x mark. [L. s.]

Chief of the Snoqualmoo, Snohomish and other tribes.

Chow-its-hoot, his x mark. [L. s.]

Chief of the Lummi and other tribes.

Goliath, his x mark. [L. s.]

Chief of the Skagits and other allied tribes.

Kwallattum, or General Pierce, his x mark. [L. s.]

Sub-chief of the Skagit tribe.

S'Hoolst-hoot, his x mark. [L. s.]

Sub-chief of Snohomish.

Snah-talc, or Bonaparte, his x mark. [L. s.]

Sub-chief of Snohomish.

Squush-um, or The Smoke, his x mark. [L. s.]

Sub-chief of the Snoqualmoo.

Sec-alla-pa-han, or The Priest, his x mark. [L. s.]

Sub-chief of Sk-tah-le-jum.

He-uch-ka-nam, or George Bonaparte, his x mark. [L. s.]

Sub-chief of Suchomish.

Tsc-nah-talc, or Joseph Bonaparte, his x mark. [L. s.]

Sub-chief of Snohomish.

Ns'Ski-oos, or Jackson, his x mark. [L. s.]

Sub-chief of Snohomish.

Wats-ka-lah-tchie, or John Hobst-hoot, his x mark. [L. s.]

Sub-chief of Suchomish.

Smeh-mai-hu, <i>Sub-chief of Skai-wha-mish.</i>	his x mark. [L. s.]
Slat-cah-ka-nam, <i>Sub-chief of Snoqualmoo.</i>	his x mark. [L. s.]
St' Hau-ai, <i>Sub-chief of Snoqualmoo.</i>	his x mark. [L. s.]
Lugs-ken, <i>Sub-chief of Skai-wha-mish.</i>	his x mark. [L. s.]
S'Sleht-soolt, or Peter, <i>Sub-chief of Snokomish.</i>	his x mark. [L. s.]
Do-queh-oo-satl, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
John Kanam, <i>Snoqualmoo sub-chief.</i>	his x mark. [L. s.]
Klemsh-ka-nam, <i>Snoqualmoo.</i>	his x mark. [L. s.]
Ts'Huahntl, <i>Dwa-mish sub-chief.</i>	his x mark. [L. s.]
Kwuss-ka-nam, or George Snatelum, Sen., <i>Skagit tribe.</i>	his x mark. [L. s.]
Ilel-mits, or George Snatelum, <i>Skagit sub-chief.</i>	his x mark. [L. s.]
S'kwai-kwi, <i>Skagit tribe, sub-chief.</i>	his x mark. [L. s.]
Seh-lek-qu, <i>Sub-chief of Lummi tribe.</i>	his x mark. [L. s.]
S'h'-chen-oo-s, or General Washington, <i>Sub-chief of Lummi tribe.</i>	his x mark. [L. s.]
Whai-lan-hu, or Davy Crockett, <i>Sub-chief of Lummi tribe.</i>	his x mark. [L. s.]
She-ah-delt-hu, <i>Sub-chief of Lummi tribe.</i>	his x mark. [L. s.]
Kwult-seh, <i>Sub-chief of Lummi tribe.</i>	his x mark. [L. s.]
Kwull-et-hu, <i>Lummi tribe.</i>	his x mark. [L. s.]
Kleh-kent-soot, <i>Skagit tribe.</i>	his x mark. [L. s.]
Sohn-heh-ova, <i>Skagit tribe.</i>	his x mark. [L. s.]
S'den-ap-kan, or General Warren, <i>Skagit tribe.</i>	his x mark. [L. s.]
Chul-whil-tan, <i>Sub-chief of Suquanush tribe.</i>	his x mark. [L. s.]
Ske-eh-tum, <i>Skagit tribe.</i>	his x mark. [L. s.]
Patch-kanam, or Dome, <i>Skagit tribe.</i>	his x mark. [L. s.]
Sats-kanam, <i>Squin-ah-nush tribe.</i>	his x mark. [L. s.]
Sd-zo-mantl, <i>Kik-ial-lus band.</i>	his x mark. [L. s.]

Dahtl-de-min, <i>Sub-chief of Sah-ku-meh-ku.</i>	his x mark. [L. s.]
Sd'zek-du-num, <i>Me-sek-wi-guilse sub-chief.</i>	his x mark. [L. s.]
Now-a-chais, <i>Sub-chief of Dwamish.</i>	his x mark. [L. s.]
Mis-lo-teche, or Wah-hehl-tchoo, <i>Sub-chief of Suquamish.</i>	his x mark. [L. s.]
Sloo-noksh-tan, or Jim, <i>Suquamish tribe.</i>	his x mark. [L. s.]
Moo-whah-lad-hu, or Jack, <i>Suquamish tribe.</i>	his x mark. [L. s.]
Too-leh plan, <i>Suquamish tribe.</i>	his x mark. [L. s.]
Sla-seh-doo-an, or Keo-kuck, <i>Dwamish tribe.</i>	his x mark. [L. s.]
Slovilt-meh-time, <i>Sub-chief of Suquamish.</i>	his x mark. [L. s.]
We-si-pah, <i>Skaiwhamish tribe.</i>	his x mark. [L. s.]
Sah-an-hu, or Hallam, <i>Snohomish tribe.</i>	his x mark. [L. s.]
She-hope, or General Pierce, <i>Skagit tribe.</i>	his x mark. [L. s.]
Hwn-lah-lakq, or Thomas Jefferson, <i>Lummi tribe.</i>	his x mark. [L. s.]
Cht-simpt, <i>Lummi tribe.</i>	his x mark. [L. s.]
Tse-sum-ten, <i>Lummi tribe.</i>	his x mark. [L. s.]
Klt-hahl-ten, <i>Lummi tribe.</i>	his x mark. [L. s.]
Kut-ta-kanam, or John, <i>Lummi tribe.</i>	his x mark. [L. s.]
Ch-lah-ben, <i>Noo-gua-cha-mish band.</i>	his x mark. [L. s.]
Noo-heh-oos, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
Ilweh-uk, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
Peh-nus, <i>Skaiwhamish tribe.</i>	his x mark. [L. s.]
Yim-ka-nam, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
Twooi-as-kut, <i>Skaiwhamish tribe.</i>	his x mark. [L. s.]
Luch-al-kanam, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
S'Hoot-kanam, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]
Sme-a-kanam, <i>Snoqualmoo tribe.</i>	his x mark. [L. s.]

Sad-zis-keh, <i>Snoqualmoo.</i>	his x mark. [L. s.]
Sleh-mahl, <i>Skaiwamish band.</i>	his x mark. [L. s.]
Charley, <i>Skagit tribe.</i>	his x mark. [L. s.]
Sampson, <i>Skagit tribe.</i>	his x mark. [L. s.]
John Taylor, <i>Snohomish tribe.</i>	his x mark. [L. s.]
Hatch-kwemtum, <i>Skagit tribe.</i>	his x mark. [L. s.]
Yo-i-kum, <i>Skagit tribe.</i>	his x mark. [L. s.]
T'kwa-ma-han, <i>Skagit tribe.</i>	his x mark. [L. s.]
Sto-dum-kan, <i>Swinamish band.</i>	his x mark. [L. s.]
Be-lole, <i>Swinamish band.</i>	his x mark. [L. s.]
D'zo-lole-gwam hu, <i>Skagit tribe.</i>	his x mark. [L. s.]
Steh-shail, William, <i>Skaiwamish band.</i>	his x mark. [L. s.]
Kel-kuhl-tsoot, <i>Swinamish tribe.</i>	his x mark. [L. s.]
Pat-sen, <i>Skagit tribe.</i>	his x mark. [L. s.]
Pat-teh-us, <i>Noo-wah-ah sub-chief.</i>	his x mark. [L. s.]
S'Hoolk-ka-nam, <i>Lummi sub-chief.</i>	his x mark. [L. s.]
Ch-lok-suts, <i>Lummi sub-chief.</i>	his x mark. [L. s.]

Executed in the presence of us—

M. T. SIMMONS, *Indian Agent.*
 C. H. MASON, *Secretary of Washington Territory.*
 BENJ. F. SHAW, *Interpreter.*
 CHAS. M. HITCHCOCK.
 H. A. GOLDSBOROUGH.
 GEORGE GIBBS.
 JOHN H. SCRANTON.
 HENRY D. COCK.
 S. S. FORD, Jr.
 CARRINGTON CUSHMAN.
 ELLIS BARNES.
 R. S. BAILEY.
 S. M. COLLINS.
 LAFAYETTE BALCH.
 E. S. FOWLER.
 J. H. HALL.
 ROB'T DAVIS.

Dwamish—3

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

“ IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“ March 8, 1859.

“ *Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the chiefs, headmen and delegates of the Dwamish, Suquamish and other allied and subordinate tribes of Indians occupying certain lands situated in Washington Territory, signed the 22d day of January, 1855.

“ Attest:

“ ASBURY DICKINS, *Secretary*.”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

824

TREATY

BETWEEN

THE UNITED STATES

AND THE

INDIANS OF WILLAMETTE VALLEY.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Dayton, Oregon Territory, in the month of January, eighteen hundred and fifty-five, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the chiefs of the confederated bands of Indians residing in the Willamette valley, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs of the confederated bands of Indians residing in the Willamette valley, they being duly authorized thereto by their respective bands, to wit: Ki-a-kuts, Le Medicin, and Yatskaw, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow, or Kompetine, chiefs of the Che-luk-i-ma-uke band; Ah-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quineflat, or Ben, chiefs of the Chem-a-pho, or Maddy band; Luck-a-ma-tso, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-e-la or Long Tom band, all of the Calapooias; Qui-a-qu-a-ty, Yal-kus, and Kow-ka-na, or Long Hair chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnufelly and Mohawk bands; Yack-a-tee, or Sam, To-phor, or Jim Brown, and Hal-la-be, or Doctor, of the Tekopa band; Pulk-tah, of the Chafan band of the Calapooia tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no, Te-ap-i-nick and Wal-lah-pi-cote, chiefs of the Clack-a-mas tribe; Lallak and Cuck-a-man-na, or David, of the Clow-we-wal-la or Willamette Tum-water band; Tow-ye-col-la, or Louis; Yelk-ma, or Jo, La-ham, or Tom, Joseph Sangeritta, Pullican, Te-na, or Kiles, Pulkup-li-ma, or John, Sallaf, or Silas, Hoip-ke-neck, or Jack, Yepta and Sat-invoze, or James, chiefs and headmen of the Santiam bands of Calapooias.

ARTICLE FIRST. The above named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country included in the following boundaries, to wit:

Commencing in the middle of the main channel of the Columbia river, opposite the mouth of the first creek emptying into said river from the south below oak point, thence south to the first standard parallel north of the base line in the government

survey, thence west to the summit of the coast range of mountains, thence southerly along the summit of said range to the Calapooia mountains, thence easterly along the summit of said mountains to the summit of the Cascade mountains, thence along said summit northerly, to the middle of the Columbia river at the Cascade falls, and thence down the middle of said river to the place of beginning.

Provided, however, that said bands be permitted to remain within the limits of the country ceded, and on such temporary reserves as may be made for them by the superintendant of Indian affairs, until a suitable district of country shall be designated for their permanent home, and proper improvements made thereon:

And provided, that the United States make proper provisions for the security of their persons and property from the hostile attacks of Indians of other tribes and bands. At which time, or when thereafter directed by the superintendent of Indian affairs, or agent, said confederated bands engage peaceably, and without expense to the United States other than that provided for in this treaty, to vacate the country hereby ceded, and remove to the district which shall be designated for their permanent occupancy.

ARTICLE SECOND. In consideration of, and payment for the country herein described, the United States agree to pay to the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit: ten thousand dollars per annum for the first five years, commencing on the first day of September, 1855.

Eight thousand dollars per annum for the term of five years next succeeding the first five.

Six thousand five hundred dollars per annum for the term of five years next succeeding the second five.

Five thousand five hundred dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the di-

rection of the President of the United States, who may, from time to time, at his discretion, determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being, and advance them in civilization, for their moral improvement and education, for buildings, opening and fencing farms, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be expended for such articles as the superintendent of Indian affairs shall furnish the Indians as soon as practicable after the signing of this treaty; and in providing, after the ratification thereof, and while the Indians shall reside on the temporary reserves that may be assigned them, horses, oxen, and other stock; wagons, agricultural implements, clothing and provisions, as the President may direct; and for erecting on the tract that may be selected as their permanent homes, mills, shops, school-houses, a hospital, and other necessary buildings, and making improvements; for seeds, stock, and farming operations thereon; for paying for the permanent improvements of settlers, should any such be on said tract at the time of its selection; to pay the expenses of the removal of the Indians thereto, and in providing for their subsistence thereon for the first year after their removal. *Provided, however,* that if any band or bands of Indians, residing on or claiming any portion or portions of the country described in article first, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to receive such part of the several annual and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may bear to the whole number of Indians residing in and claiming the entire

country aforesaid, as consideration and payment in full for the tracts in said country claimed by them. *And provided*, any of the bands becoming parties to this treaty establish a legitimate claim to any portion of the country north of the Columbia river, that the amount to which they may be entitled as a consideration for such country in any treaties hereafter entered into with the United States, shall be added to the annuities herein provided for.

ARTICLE THIRD. In addition to the considerations specified, the United States agree to provide for the employment, for the term of five years from and after the removal of said Indians to their permanent reserve, of a physician, a school teacher, a blacksmith, and a superintendent of farming operations.

ARTICLE FOURTH. The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may hereafter be set apart as the permanent home of these Indians, to be surveyed into lots, and assign them to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently; to a single person over twenty-one years of age, twenty acres; to a family of two persons, forty acres; to a family of three and not exceeding five persons, fifty acres; to a family of six persons, and not exceeding ten, eighty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon; and he may, at any time at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family, for such assigned land, conditioned that the tract shall not be aliened or leased for a longer time than two years, and shall be exempt from levy, sale, or forfeiture; which con-

ditions shall continue in force until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions: *Provided, however*, that no State legislature shall remove the restrictions herein provided for, without the consent of Congress. And if any such family shall, at any time, neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, revoke the same; or if not issued, cancel the assignment; and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of the Indians, residing on the reserve.

ARTICLE FIFTH. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE SIXTH. The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other band or tribe of Indians, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of said Indians commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. Said Indians fur-

ther engage to submit to, and observe all laws, rules and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE SEVENTH. In order to prevent the evils of intemperance among said Indians, it is hereby provided, that any one of them who shall drink liquor, or procure it for other Indians to drink, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE EIGHTH. The said confederated bands agree that when a permanent reserve shall be assigned them, all roads, highways, and railroads, demanded at any time by the public convenience, shall have the right of way therein, a just compensation being made therefor.

ARTICLE NINTH. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Joel Palmer, on the part of the United States as aforesaid, and the undersigned chiefs of the said confederated bands, have hereunto set their hands and seals this fourth day of January, eighteen hundred and fifty-five, at Dayton, in Oregon Territory.

JOEL PALMER, *Superintendent of Indian Affairs.*

KI-AC-KUTS, first chief,	his x mark,	[L. S.]
LE MEDICIN, or DOCTOR, second chief,	his x mark,	[L. S.]
YATS-KOW, or DAVE, third chief,	his x mark,	[L. S.]
SHAP-H, or WILLIAM, first chief,	his x mark,	[L. S.]
SHEL-KE-AH, or DAVID, second chief,	his x mark,	[L. S.]
CHE-AH, or JESSE, third chief,	his x mark,	[L. S.]
DABO, or JIM, first chief,	his x mark,	[L. S.]
SCO-LA-QUIT, or JOHN, second chief,	his x mark,	[L. S.]
YAH-KOW, or KOMPETINE, third chief,	his x mark,	[L. S.]
AH-MO, or GEORGE, first chief,	his x mark,	[L. S.]
HINC-PHOR, or HUBBARD, second chief,	his x mark,	[L. S.]
OH-NO, or TIM, third chief,	his x mark,	[L. S.]
MA-MAH-MO, or CHARLEY PETER, first chief,	his x mark,	[L. S.]
CHA-CHE-CLUE, or TOM, second chief,	his x mark,	[L. S.]
QUINEFLAT, or BEN, third chief,	his x mark,	[L. S.]
LUCK-A-MA-FOO, or ANTOINE, first chief,	his x mark,	[L. S.]
HOO-TIL, or CHARLEY, second chief,	his x mark,	[L. S.]

Executed in presence of us—

EDWARD R. GEARY, *Secretary.*
 JOHN FLETT, *Interpreter.*
 GEORGE DORSEY,
 PHILLIP A. DECKER,
 LORENZO PALMER.

We, the chiefs of the Molalla band of Molallas, and of the Calapooia band of Calapooias, give our assent unto, and agree to, the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, this ninth day of January, eighteen hundred and fifty-five.

QUIA-QUATY, first chief,	his x mark,	[L. S.]
YALKUS, second chief,	his x mark,	[L. S.]

KAW-KA-MA, or LONG HAIR, third chief,	his x mark,	[L. S.]
KILES, or JIM, first chief,	his x mark,	[L. S.]
KOWAH-TOUGH, or JOHN, second chief,	his x mark,	[L. S.]

Executed in presence of us—

EDWARD R. GEARY, *Secretary.*
 CHRIS. TAYLOR, *Assistant Secretary.*
 JOHN FLETT, *Interpreter.*
 PHILLIP A. DECKER,
 LORENZO PALMER.

We, the chiefs and headmen of the Nin-ne-felly, Mohawk, Chapen, and Te-co-pa bands of Calapooias, Wal-lal-lah band of Tum-waters, and the Clockamus tribe of Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this tenth day of January, eighteen hundred and fifty-five.

AN-TA, first chief,	his x mark,	[L. S.]
QUIL-AL-LA, or JOHN, second chief,	his x mark,	[L. S.]
ME-QUAH, or DICK.	his x mark,	[L. S.]
YACK-A-TEE, or SAM, first chief,	his x mark,	[L. S.]
TO-PHOR, or JIM BROWN, second chief,	his x mark,	[L. S.]
HAL-LA-LE, or DOCTOR,	his x mark,	[L. S.]
PULK-TAH, second chief,	his x mark,	[L. S.]
TUM-WALTH, first chief,	his x mark,	[L. S.]
O-BAN-A-HAH, second chief,	his x mark,	[L. S.]
WATCH-A-NO, first chief,	his x mark,	[L. S.]
TE-AP-I-NICK, second chief,	his x mark,	[L. S.]
WAL-LAH-PI-CATE, third chief,	his x mark,	[L. S.]

Executed in the presence of us—

CHRIS. TAYLOR, *Assistant Secretary.*
 ANDREW SMITH,
 JOHN FLETT, *Interpreter.*

We, the chiefs and headmen of the Clow-we-wal-la, or Willamette Tum-water band of Indians, being assembled in council, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Linn city, Oregon Territory, this nineteenth day of January, eighteen hundred and fifty-five.

LAL-BICK, or JOHN,	his x mark,	[L. S.]
CUCK-A-MAN-NA, or DAVID,	his x mark,	[L. S.]

Executed in the presence of us—

CHRIS. TAYLOR, *Assistant Secretary.*
 JOHN FLETT, *Interpreter.*

We, the chiefs and headmen of the Santam bands of Calapooia Indians, being duly authorized by our respective bands, give our assent unto, and agree to the provisions of the foregoing treaty.

In testimony whereof we have hereunto set our hands and seals, at Dayton, Oregon Territory, this twenty-second day of January, eighteen hundred and fifty-five.

TOW-YE-COLLA, or LOUIS, first chief,	his x mark,	[L. S.]
LA-HAM, or TOM, third chief,	his x mark,	[L. S.]
SENEGERTTA,		[L. S.]
PUL-I-CAN,	his x mark,	[L. S.]
TE-NA, or KILES,	his x mark,	[L. S.]
PUL-KUP-TI-MA, or JOHN,	his x mark,	[L. S.]
SAL-LAF, or SILAS,	his x mark,	[L. S.]
HOIP-KE-NEK, or JACK,	his x mark,	[L. S.]
YEP-TAH,	his x mark,	[L. S.]
SATINVOSE, or JAMES,	his x mark,	[L. S.]

Executed in the presence of us—

EDWARD R. GEARY, *Secretary*.

CRIS. TAYLOR,

ANDREW SMITH,

JOHN FLETT, *Interpreter*.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the third day of March, eighteen hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1855.

“*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Dayton, Oregon Territory, by Joel Palmer, superintendent of Indian affairs on the part of the United States, and the following named chiefs of the confederated bands of Indians residing in the Willamette valley, they being duly authorized thereto by their respective bands, to wit: Ki-a-kuts, Le Medicin, and Yats-kow, or Dave, chiefs of the Tualatin band of Calapooias; Shap-h, or William, Shel-ke-ah, or David, and Cha-ah, or Jesse, chiefs of the Yam Hill band; Dabo, or Jim, Sco-la-quit, or John, and Yah-kow, or Kompetine, chiefs of the Che-luk-i-ma-uke band; Ah-mo, or George, Himpher, or Hubbard, and Oh-no, or Tim, chiefs of the Chep-en-a-pho, or Marysville band; Ma-mah-mo, or Charley Peter, Cha-che-clue, or Tom, and Quineflat, or Ben, chiefs of the Chem-a-pho, or Maddy band; Luck-a-ma-foo, or Antoine, and Hoo-til, or Charley, chiefs of the Che-lam-e-la, or Long Tom band, all of the Calapooias; Qui-a-qu-a-ty, Yal-kus, and Kow-ka-ma, or Long Hair, chiefs of the Mo-lal-la band of Mo-lal-las; Kiles, or Jim, and Kow-ah-tough, or John, chiefs of the Calapooia band of Calapooias; Anta-quil-al-la, or John, and Mequah, of the Winnefelly and Mohawk bands; Yack-a-tee, or Sam, To-phor, or Jim Brown, and Hal-la-be, or Doctor, of the Tekopa band; Pulk-tah, of the Chafin band of the Calapooia tribe; Tum-walth and O-ban-a-hah, chiefs of the Wah-lal-la band of Tum-waters; Watch-a-no; Te-ap-i-nick and Wal-lah-pi-cote, chiefs of the Clack-a-mas tribe; Lallak and Cuck-a-man-na, or David, of the Clow-we-wal-la,

or Willamette Tum-water band; Tow-ye-col-la, or Louis; Yelk-ma, or Jo, La-ham, or Tom, Joseph Sanegertta, Pullican, Te-na, or Kiles, Pul-kup-li-ma, or John, Sallaf, or Silas, Hoip-ke-nek or Jack, Yepta and Sat-invoze, or James, chiefs and headmen of the Santam bands of the Calapooias."

"Attest:

"ASBURY DICKINS,

"*Secretary.*"

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, eighteen hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

 * L. S. *

 Done at the City of Washington, this tenth day of April, in the
 year of our Lord one thousand eight hundred and fifty-five, and
 of the Independence the United States, the seventy-ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



125

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

MAKAH TRIBE OF INDIANS.

JANUARY 31, 1855. RATIFIED APRIL 18, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Neah Bay, in the Territory of Washington, on the thirty first day of January, eighteen hundred and fifty-five, between Isaac I. Stevens, governor, and superintendent of Indian affairs, for said Territory, on the part of the United States, and the hereinafter-named chiefs, headmen and delegates of the several villages of the Makah tribe of Indians, viz: Neah Waatch, Tsoo Yess and Osett, occupying the country around Cape Classet or Flattery, on behalf of the said tribe and duly authorized by the same; which treaty is in the words and figures following, to wit:

Articles of agreement and convention, made and concluded at Neah Bay, in the Territory of Washington, this thirty-first day of January, in the year eighteen hundred and fifty-five, by Isaac I. Stevens, governor and superintendent of Indian affairs for the said Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the several villages of the Makah tribe of Indians, viz: Neah Waatch, Tsoo-Yess, and Osett, occupying the country around Cape Classet or Flattery, on behalf of the said tribe and duly authorized by the same.

ART. I. The said tribe hereby cedes, relinquishes and conveys to the United States all their right, title and interest in and to the lands and country occupied by it, bounded and described as follows, viz: Commencing at the mouth of the Oke-ho river, on the Straits of Fuca; thence running westwardly with said straits to Cape Classet or Flattery; thence southwardly along the coast to Osett, or the lower Cape Flattery; thence eastwardly along the line of lands occupied by the Kwe-déh-tut or

Kwill-eh-yute tribe of Indians, to the summit of the coast range of mountains, and thence northwardly along the line of lands lately ceded to the United States by the S'Klallam tribe to the place of beginning, including all the islands lying off the same on the straits and coast.

ART. II. There is, however, reserved for the present use and occupation of the said tribe the following tract of land, viz: Commencing on the beach at the mouth of a small brook running into

Neah bay next to the site of the old Spanish fort; thence along the shore round Cape Classet or Flattery, to the mouth of another small stream running into the bay on the south side of said cape, a little above the Waatch village; thence following said brook to its source; thence in a straight line to the source of the first mentioned brook, and thence following the same down to the place of beginning; which said tract shall be set apart, and so far as necessary, surveyed and marked out for their exclusive use; nor shall any white man be permitted to reside upon the same without permission of the said tribe and of the superintendent or agent; but if necessary for the public convenience roads may be run through the said reservation, the Indians being compensated for any damage thereby done them. It is, however, understood that should the President of the United States hereafter see fit to place upon the said reservation any other friendly tribe or band to occupy the same in common with those above mentioned, he shall be at liberty to do so.

ART. III. The said tribe agrees to remove to and settle upon the said reservation, if required so to do, within one year after the ratification of this treaty, or sooner, if the means are furnished them. In the meantime it shall be lawful for them to reside upon any land not in the actual claim and occupation of citizens of the United States, and upon any land claimed or occupied if with the permission of the owner.

ART. IV. The right of taking fish and of whaling or sealing at usual and accustomed grounds and stations is further secured to said Indians in common with all citizens of the United States, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting and gathering roots and berries on open and unclaimed lands: *Provided, however*, that they shall not take shell fish from any beds staked or cultivated by citizens.

ART. V. In consideration of the above cession the United States agree to pay

to the said tribe the sum of thirty thousand dollars, in the following manner, that is to say: During the first year after the ratification hereof, three thousand dollars; for the next two years, twenty-five hundred dollars each year; for the next three years, two thousand dollars each year; for the next four years, one thousand five hundred dollars each year; and for the next ten years, one thousand dollars each year; all which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine at his discretion upon what beneficial objects to expend the same. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ART. VI. To enable the said Indians to remove to and settle upon their aforesaid reservation, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of three thousand dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve. And any substantial improvements heretofore made by any individual Indian, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President and payment made therefor accordingly.

ART. VII. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of said Indians be promoted thereby, remove them from said reservation to such suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands; and he may further, at his discretion, cause the whole, or any portion of the lands hereby reserved, or of such other lands as may be selected in lieu thereof, to be surveyed into lots,

and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate thereon as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be practicable.

ART. VIII. The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

ART. IX. The said Indians acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and they pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribe agrees not to shelter or conceal offenders against the United States, but to deliver up the same for trial by the authorities.

ART. X. The above tribe is desirous to exclude from its reservation the use of ardent spirits, and to prevent its people from drinking the same; and therefore it is provided that any Indian belonging thereto, who shall be guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld

from him or her for such time as the President may determine.

ART. XI. The United States further agree to establish at the general agency for the district of Puget's Sound, within one year from the ratification hereof, and to support for the period of twenty years, an agricultural and industrial school, to be free to children of the said tribe in common with those of the other tribes of said district, and to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and employ a blacksmith, carpenter, and farmer, for the like term, to instruct the Indians in their respective occupations: provided, however, that should it be deemed expedient, a separate school may be established for the benefit of said tribe and such others as may be associated with it, and the like persons employed for the same purposes at some other suitable place. And the United States further agree to employ a physician to reside at the said central agency, or at such other school, should one be established, who shall furnish medicine and advice to the sick, and shall vaccinate them; the expenses of the said school, shops, persons employed, and medical attendance to be defrayed by the United States, and not deducted from the annuities.

ART. XII. The said tribe agrees to free all slaves now held by its people, and not to purchase or acquire others hereafter.

ART. XIII. The said tribe finally agrees not to trade at Vancouver's Island or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside in its reservation without consent of the superintendent or agent.

ART. XIV. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned, chiefs, headmen, and delegates of the tribe aforesaid, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]
Governor and Superintendent.

Tse-kauwtl, Head chief of the Makah tribe.	his x mark.	[L. s.]
Kal-chote, Sub-chief of the Makahs.	his x mark.	[L. s.]
Tah-a-howtl, Sub-chief of the Makahs.	his x mark.	[L. s.]
Kah-bach-sat, Sub-chief of the Makahs.	his x mark.	[L. s.]
Kets-kus-sum, Sub-chief of the Makahs.	his x mark.	[L. s.]
Haatse, Sub-chief of the Makahs.	his x mark.	[L. s.]
Keh-chook, Sub-chief of Makahs.	his x mark.	[L. s.]
It-an-da-hu, Sub-chief of Makahs.	his x mark.	[L. s.]
Klah-pe-an-hie, or Andrew Jackson, Sub-chief of Makahs.	his x mark.	[L. s.]
Tsal-ab-oo, or Peter, Neah Village.	his x mark.	[L. s.]
Tahola, Neah Village.	his x mark.	[L. s.]
Kleht-li-quat-stl, Waatch Village.	his x mark.	[L. s.]
Too-whaii-tau, Waatch Village.	his x mark.	[L. s.]
Tahts-kin, Neah Village.	his x mark.	[L. s.]
Nenchoop, Neah Village.	his x mark.	[L. s.]
Ah-de-ak-too-ah, Osett Village.	his x mark.	[L. s.]
William, Neah Village.	his x mark.	[L. s.]
Wak-kep-tup, Waatch Village.	his x mark.	[L. s.]
Klaht-te-di-yuke, Waatch Village.	his x mark.	[L. s.]
Oobick, Waatch Village.	his x mark.	[L. s.]
Bich-took, Waatch Village.	his x mark.	[L. s.]
Baht-se-ditl, Neah Village.	his x mark.	[L. s.]
Wack-shie, Neah Village.	his x mark.	[L. s.]

Hah-yo-hwa, <i>Waatch Village.</i>	his x mark. [L. s.]
Daht-leek, or Mines, <i>Osett Village.</i>	his x mark. [L. s.]
Pah-hat, <i>Neah Village.</i>	his x mark. [L. s.]
Pai-yeh, <i>Osett Village.</i>	his x mark. [L. s.]
Tsah-weh-sup, <i>Neah Village.</i>	his x mark. [L. s.]
Al-is-kah, <i>Osett Village.</i>	his x mark. [L. s.]
Kwe-tow'tl, <i>Neah Village.</i>	his x mark. [L. s.]
Kaht-saht-wha, <i>Neah Village.</i>	his x mark. [L. s.]
Tchoo-quut-lah, or Yes, Sir, <i>Neah Village.</i>	his x mark. [L. s.]
Klatts-ow-sehp, <i>Neah Village.</i>	his x mark. [L. s.]
Kai-kl-chis-sum, <i>Neah Village.</i>	his x mark. [L. s.]
Kah-kwt-lit-ha, <i>Waatch Village.</i>	his x mark. [L. s.]
He-dah-titl, <i>Neah Village.</i>	his x mark. [L. s.]
Sah-dit-le-nad, <i>Waatch Village.</i>	his x mark. [L. s.]
Klah-ku-pihl, <i>Tsoo-yess Village.</i>	his x mark. [L. s.]
Billuk-whitl, <i>Tsoo-yess Village.</i>	his x mark. [L. s.]
Kwah-too-qualh, <i>Tsoo-yess Village.</i>	his x mark. [L. s.]
Yooch-boott, <i>Tsoo-yess Village.</i>	his x mark. [L. s.]
Swell, or Jeff. Davis, <i>Neah Village.</i>	his x mark. [L. s.]

Executed in the presence of us. The words "five hundred" being first interlined in the 5th article, and erasures made in the 8th and 9th articles.

M. T. SIMMONS, *Indian Agent.*

GEORGE GIBBS, *Secretary.*

B. F. SHAW, *Interpreter.*

C. M. HITCHCOCK, M. D.

E. S. FOWLER.

ORVINGTON CUSHMAN.

ROBT. DAVIS.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise

and consent to the ratification of the same by a resolution in the words and figures following, to wit :

“ IN EXECUTIVE SESSION, SENATE, UNITED STATES,

“ March 8, 1859.

“ *Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs, Headmen and Delegates of the Makah tribes of Indians occupying the country around Cape Classet or Flattery, in Washington Territory, signed 31st January, 1855.

“ Attest :

“ ASBURY DICKINS, *Secretary*.”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of March the eighth, eighteen hundred and fifty-nine, hereby accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.

176

TREATY

BETWEEN

THE UNITED STATES

AND THE

MISSISSIPPI CHIPPEWA INDIANS.

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FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at the city of Washington, on the twenty-second day of February, one thousand eight hundred and fifty-five, between the United States and the Mississippi bands of Chippewa Indians, which treaty is in the words following, to wit :

Articles of agreement and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, Commissioner, on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz : Pug-o-na-ke-shick, or Hole in the Day ; Quc-we-sans-ish, or Bad Boy ; Wand-e-kaw, or Little Hill ; I-awc-showe-we-ke-shig, or Crossing Sky ; Petud-dunee, or Rat's Liver ; Mun-o-min-e-kay-shein, or Rice Maker ; Mah-yah-ge-way-we-durg, or the Chorister ; Kay-gwa-daush, or the Attempter ; Caw-caug-e-we-gwon, or Crow Feather ; and Show-baush-king, or He that Passes under Everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz : Aish-ke-bug-e-koshe, or Flat Mouth ; Be-sheek-kce, or Buffalo ; Nay-bun-a-caush, or Young Man's Son ; Maug-e-gaw-bow, or Stepping Ahead ; Mi-gi-si, or Eagle, and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians respectively.

ARTICLE I. The Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians hereby cede, sell, and convey to the United States all their right, title, and interest in, and to, the lands now owned and claimed by them, in the Territory of Minnesota, and included within the following boundaries, viz : Beginning at a point where the east branch of Snake river crosses the southern boundary line of the Chippewa country, east of the Mississippi river, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven, running

thence, up the said branch, to its source thence, nearly north in a straight line, to the mouth of East Savannah river ; thence, up the St. Louis river, to the mouth of East Swan river ; thence, up said river, to its source ; thence, in a straight line, to the most westwardly bend of Vermillion river ; thence, northwestwardly, in a straight line, to the first and most considerable bend in the Big Fork river ; thence, down said river, to its mouth ; thence, down Rainy Lake river, to the mouth of Black river ; thence, up that river, to its source ; thence, in a straight line, to the

northern extremity of Turtle lake; thence in a straight line, to the mouth of Wild Rice river; thence, up Red river of the North, to the mouth of Buffalo river; thence, in a straight line, to the southwestern extremity of Otter Tail lake; thence, through said lake, to the source of Leaf river; thence down said river, to its junction with Crow Wing river; thence down Crow Wing river, to its junction with the Mississippi river; thence, to the commencement on said river of the southern boundary line of the Chippewa country, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven; and thence, along said line, to the place of beginning. And the said Indians do further fully and entirely relinquish and convey to the United States, any and all right, title, and interest, of whatsoever nature the same may be, which they may now have in, and to any other lands in the Territory of Minnesota or elsewhere.

ARTICLE II. There shall be, and hereby is, reserved and set apart, a sufficient quantity of land for the permanent homes of the said Indians; the lands so reserved and set apart to be in separate tracts, as follows, viz:

For the Mississippi bands of Chippewa Indians: The first to embrace the following fractional townships, viz: forty-two north, of range twenty-five west; forty-two north, of range twenty-six west; and forty-two and forty-three north, of range twenty-seven west; and, also, the three islands in the southern part of Mille Lac. Second, beginning at a point half a mile east of Rabbit lake; thence south three miles; thence westwardly, in a straight line, to a point three miles south of the mouth of Rabbit river; thence north to the mouth of said river; thence up the Mississippi river to a point directly north of the place of beginning; thence south to the place of beginning. Third, beginning at a point half a mile southwest from the most southwestwardly point of Gull lake; thence due south to Crow Wing river; thence down said river, to the Mississippi river; thence up said

river to Long Lake portage; thence, in a straight line, to the head of Gull lake; thence in a southwestwardly direction, as nearly in a direct line as practicable, but at no point thereof, at a less distance than half a mile from said lake, to the place of beginning. Fourth, the boundaries to be, as nearly as practicable, at right angles, and so as to embrace within them Pokagomon lake; but nowhere to approach nearer said lake than half a mile therefrom. Fifth, beginning at the mouth of Sandy Lake river; thence south, to a point on an east and west line, two miles south of the most southern point of Sandy lake; thence east, to a point due south from the mouth of West Savannah river; thence north, to the mouth of said river; thence north to a point on an east and west line, one mile north of the most northern point of Sandy lake; thence west, to Little Rice river; thence down said river to Sandy Lake river; and thence down said river to the place of beginning. Sixth, to include all the islands in Rice lake, and also half a section of land on said lake, to include the present gardens of the Indians. Seventh, one section of land for Pug-o-na-ke-shick, or Hole in the Day, to include his house and farm; and for which he shall receive a patent in fee simple.

For the Pillager and Lake Winnibigoshish bands, to be in three tracts, to be located and bounded as follows, viz: First, beginning at the mouth of Little Boy river; thence up said river to Lake Hassler; thence through the centre of said lake, to its western extremity; thence in a direct line to the most southern point of Leech lake; and thence through said lake, so as to include all the islands therein, to the place of beginning. Second, beginning at the point where the Mississippi river leaves Lake Winnibigoshish; thence north, to the head of the first river; thence west, by the head of the next river, to the head of the third river, emptying into said lake; thence down the latter to said lake; and thence in a direct line to the place of beginning. Third, beginning at the mouth of Turtle river; thence

up said river to the first lake; thence east, four miles; thence southwardly, in a line parallel with Turtle river, to Cass lake; and thence, so as to include all the islands in said lake, to the place of beginning; all of which said tracts shall be distinctly designated on the plats of the public surveys. And at such time or times, as the President may deem it advisable for the interests and welfare of said Indians, or any of them, he shall cause the said reservations, or such portion or portions thereof, as may be necessary, to be surveyed; and assign to each head of a family, or single person over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for his or their separate use; and he may, at his discretion, as the occupants thereof become capable of managing their business and affairs, issue patents to them for the tracts so assigned to them, respectively; said tracts to be exempt from taxation, levy, sale, or forfeiture; and not to be aliened or leased for a longer period than two years, at one time, until otherwise provided by the legislature of the State in which they may be situate, with the assent of Congress. They shall not be sold, or alienated, in fee, for a period of five years after the date of the patents; and not then without the assent of the President of the United States being first obtained. Prior to the issue of the patents, the President shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts may be assigned thereafter abandon them, the President may make such rules and regulations, in relation to such abandoned tracts, as in his judgment may be necessary and proper.

ARTICLE III. In consideration of, and in full compensation for, the cessions made by the said Mississippi, Pillager,

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and Lake Winnibigoshish bands of Chipewewa Indians, in the first article of this agreement, the United States hereby agree and stipulate to pay, expend, and make provision for, the said bands of Indians as follows, viz: For the Mississippi bands:

Ten thousand dollars (\$10,000) in goods, and other useful articles, as soon as practicable after the ratification of this instrument, and after an appropriation shall be made by Congress therefor, to be turned over to the delegates and chiefs for distribution among their people.

Fifty thousand dollars (\$50,000) to enable them to adjust and settle their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior; and any balance remaining of said sum not required for the above mentioned purpose shall be paid over to said Indians in the same manner as their annuity money, and in such instalments as the said Secretary may determine; provided, that an amount not exceeding ten thousand dollars (\$10,000) of the above sum shall be paid to such full and mixed bloods as the chiefs may direct, for services rendered heretofore to their bands.

Twenty thousand dollars (\$20,000) per annum, in money, for twenty years, provided, that two thousand dollars (\$2,000) per annum of that sum, shall be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians, subject to the approval of the Secretary of the Interior.

Five thousand dollars (\$5,000) for the construction of a road from the mouth of Rum river to Mille Lac, to be expended under the direction of the Commissioner of Indian Affairs.

A reasonable quantity of land, to be determined by the Commissioner of Indian Affairs, to be ploughed and prepared for cultivation in suitable fields, at each of the reservations of the said bands, not exceeding, in the aggregate, three hun-

dred acres for all the reservations, the Indians to make the rails and enclose the fields themselves.

For the Pillager and Lake Winnibigoshish bands:

Ten thousand dollars, (\$10,000) in goods, and other useful articles, as soon as practicable, after the ratification of this agreement, and an appropriation shall be made by Congress therefor; to be turned over to the chiefs and delegates for distribution among their people.

Forty thousand dollars, (\$40,000) to enable them to adjust and settle their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior; and any balance remaining of said sum, not required for that purpose, shall be paid over to said Indians, in the same manner as their annuity money, and in such instalments as the said Secretary may determine; provided that an amount, not exceeding ten thousand dollars, (\$10,000) of the above sum, shall be paid to such mixed bloods as the chiefs may direct, for services heretofore rendered to their bands.

Ten thousand six hundred and sixty-six dollars and sixty-six cents (\$10,666 66) per annum, in money, for thirty years.

Eight thousand dollars (\$8,000) per annum, for thirty years, in such goods as may be requested by the chiefs, and as may be suitable for the Indians, according to their condition and circumstances.

Four thousand dollars (\$4,000) per annum, for thirty years, to be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians; subject to the approval of the Secretary of the Interior: *Provided*, That an amount, not exceeding two thousand dollars, thereof, shall, for a limited number of years, be expended under the direction of the Commissioner of Indian Affairs, for provisions, seeds and such other articles or things as may be useful in agricultural pursuits.

Such sum as can be usefully and beneficially applied by the United States, annually, for twenty years, and not to exceed three thousand dollars, in any one year, for purposes of education; to be expended under the direction of the Secretary of the Interior.

Three hundred dollars' (\$300) worth of powder, per annum, for five years.

One hundred dollars' (\$100) worth shot and lead, per annum, for five years.

One hundred dollars' (\$100) worth of gilling twine, per annum, for five years.

One hundred dollars' (\$100) worth of tobacco, per annum, for five years.

Hire of three laborers at Leech lake, of two at Lake Winnibigoshish, and of one at Cass lake, for five years.

Expense of two blacksmiths, with the necessary shop, iron, steel and tools, for fifteen years.

Two hundred dollars (\$200) in grubbing hoes and tools, the present year.

Fifteen thousand dollars (\$15,000) for opening a road from Crow Wing to Leech lake; to be expended under the direction of the Commissioner of Indian Affairs.

To have ploughed and prepared for cultivation, two hundred acres of land, in ten or more lots, within the reservation at Leech lake; fifty acres, in four or more lots, within the reservation at lake Winnibigoshish; and twenty-five acres, in two or more lots, within the reservation at Cass lake: *Provided*, That the Indians shall make the rails and enclose the lots themselves.

A saw-mill, with a portable grist-mill attached thereto, to be established whenever the same shall be deemed necessary and advisable by the Commissioner of Indian Affairs, at such point as he shall think best; and which, together with the expense of a proper person to take charge of and operate them, shall be continued during ten years: *Provided*, That the cost of all the requisite repairs of the said mills shall be paid by the Indians, out of their own funds.

ARTICLE IV. The Mississippi bands have expressed a desire to be permitted to

employ their own farmers, mechanics, and teachers; and it is therefore agreed that the amounts to which they are now entitled, under former treaties, for purposes of education, for blacksmiths and assistants, shops, tools, iron and steel, and for the employment of farmers and carpenters, shall be paid over to them as their annuities are paid: *Provided, however*, That whenever, in the opinion of the Commissioner of Indian Affairs, they fail to make proper provision for the above named purposes, he may retain said amounts, and appropriate them, according to his discretion, for their education and improvement.

ARTICLE V. The foregoing annuities, in money and goods, shall be paid and distributed as follows: Those due the Mississippi bands, at one of their reservations; and those due the Pillager and Lake Winnibigoshish bands, at Leech lake; and no part of the said annuities shall ever be taken or applied, in any manner, to, or for the payment of, the debts or obligations of Indians contracted in their private dealings, as individuals, whether to traders, or other persons. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys or goods, due and payable to such, and cause the same to be expended, applied or distributed, so as to ensure the benefit thereof to their families. If, at any time, before the said annuities in money and goods of either of the Indian parties to this convention shall expire, the interests and welfare of said Indians shall, in the opinion of the President, require a different arrangement, he shall have the power to cause the said annuities, instead of being paid over and distributed to the Indians, to be expended or applied to such purposes or objects as may be best calculated to promote their improvement and civilization.

ARTICLE VI. The missionaries, and such other persons, as are now, by authority of law, residing in the country ceded by the first article of this agreement, shall each have the privilege of en-

tering one hundred and sixty acres of the said ceded lands, at one dollar and twenty-five cents per acre; said entries not to be made so as to interfere, in any manner, with the laying off of the several reservations herein provided for.

And such of the mixed bloods as are heads of families, and now have actual residences and improvements in the ceded country, shall have granted to them, in fee, eighty acres of land, to include their respective improvements.

ARTICLE VII. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force, within, and upon, the several reservations provided for herein; and those portions of said laws, which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress.

ARTICLE VIII. All roads and highways, authorized by law, the lines of which shall be laid through any of the reservations provided for in this convention, shall have the right of way through the same; the fair and just value of such right being paid to the Indians therefor; to be assessed and determined according to the laws in force for the appropriation of lands for such purposes.

ARTICLE IX. The said bands of Indians, jointly and severally, obligate and bind themselves not to commit any depredations or wrong upon other Indians, or upon citizens of the United States; to conduct themselves at all times, in a peaceable and orderly manner; to submit all difficulties between them and other Indians to the President, and to abide by his decision in regard to the same, and to respect and observe the laws of the United States, so far as the same are to them applicable. And they also stipulate that they will settle down in the peaceful pursuits of life, commence the cultivation of the soil, and appropriate their means to the erection of houses, opening farms,

the education of their children, and such other objects of improvement and convenience, as are incident to well regulated society; and that they will abstain from the use of intoxicating drinks and other vices to which they have been addicted.

ARTICLE X. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the said chiefs and delegates of the Mississippi, Pillager and Lake Winnibigoshish bands of Chippewa Indians have hereunto set their hands and seals, at the place, and on the day and year hereinbefore written.

GEO. W. MANYPENNY, *Commissioner.* [L. s.]

TUG-O-NA-KE-SHICK, or Hole in the Day,	his x mark,	[L. s.]
QUE-WE-SANS-ISH, or Bad Boy,	his x mark,	[L. s.]
WAUD-E-KAW, or Little Hill,	his x mark,	[L. s.]
I-AWE-SHOWE-WE-KE-SHIG, or Crossing Sky,	his x mark,	[L. s.]
PETUD-DUNCE, or Rat's Liver,	his x mark,	[L. s.]
MUN-O-MIN-E-KAY-SHEIN, or Rice Maker,	his x mark,	[L. s.]
MAH-YAH-GE-WAY-WE-DURG, or the Chorister,	his x mark,	[L. s.]
KAY-GWA-DAUSH, or The Attempter,	his x mark,	[L. s.]
CAW-CANG-E-WE-GWAN, or Crow Feather,	his x mark,	[L. s.]
SHOW-BAUSH-KING,	his x mark,	[L. s.]

or He that Passeth Under Everything,

Chiefs and delegates of the Mississippi bands.

AISH-KE-BUG-E-KOSHE, or Flat Mouth,	his x mark,	[L. s.]
BE-SHECK-KEE, or Buffalo,	his x mark,	[L. s.]
NAY-BUN-A-CAUSH, or Young Man's Son,	his x mark,	[L. s.]
MAUG-E-GAW-BOW, or Stepping Ahead,	his x mark,	[L. s.]
MI-GI-SI, or Eagle,	his x mark,	[L. s.]
KAW-BE-MUB-BEE, or North Star,	his x mark,	[L. s.]

Chiefs and delegates of the Pillager and Lake Winnibigoshish bands.

Executed in presence of—

HENRY M. RICE,
 GEO. CULVER,
 D. B. HERRIMAN, *Indian Agent*,
 J. E. FLETCHER,
 JOHN DOWLING,
 T. A. WARREN, *U. S. Interpreter*,
 PAUL H. BEAULIEU, *Interpreter*,
 EDWARD ASHMAN, "
 C. H. BEAULIEU, "
 PETER ROY, "
 WILL. P. ROSS, *Cherokee Nation*,
 RILEY KEYS.

And whereas the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the

third day of March, one thousand eight hundred and fifty-five, advise and consent to the ratification of its articles, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

"March 3, 1855.

"Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner, on the part of the United States, and the following named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz: Pug-o-na-ke-shick, or Holc in the Day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-awe-showe-we-ke-shig, or Crossing Sky; Petud-Dunce, or Rat's Liver; Mun-o-min-e-kay-shein, or Rice Maker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-daush, or the Attempter; Caw-caug-e-we-gwon, or Crow Feather; and Show-baush-king, or He that Passes Under Everything, and the following named chiefs and delegates, representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-ke-bug-e-koshe, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun-a-caush, or Young Man's Son; Mang-e-gaw-bow, or Stepping Ahead; Mi-gi-si, or Eagle; and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians, respectively.

"Attest:

ASBURY DICKINS,

"Secretary."

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the third day of March, one thousand eight hundred and fifty-five, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

 * Done at the city of Washington, this seventh day of April, in
 * L. S. * the year of our Lord one thousand eight hundred and fifty-five,
 * * and of the independence of the United States the seventy-
 * ***** ninth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



127
127

127

TREATY

BETWEEN

THE UNITED STATES

AND THE

WINNEBAGO INDIANS.

1000

1000



FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at the city of Washington, on the twenty-seventh day of February, eighteen hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Winnebago tribe of Indians, viz: Waw-kon-chaw-koo-kaw, The Coming Thunder, or Kinnoshik; Sho-go-nik-kaw, or Little Hill; Maw-he-coo-sha-naw-zhe-kaw, One that Stands and Reaches the Skies, or Little Decorie; Waw-kon-chaw-hoo-no-kaw, or Little Thunder; Hoonk-hoo-no-kaw, Little Chief or Little Priest; Honch-hutta-kaw, or Big Bear; Watch-ha-ta-kaw, or Big Canoe; Ha-zhum-kee-kaw, or One Horn; Ha-zee-kaw, or Yellow Bank, and Baptiste Lassallier; they being thereto duly authorized by said tribe, which treaty is in the words following, to wit:

Articles of agreement and convention made and concluded at Washington city, on the twenty-seventh day of February, eighteen hundred and fifty-five, between George W. Manypenny, commissioner on the part of the United States, and the following named chiefs and delegates, representing the Winnebago tribe of Indians, viz: Waw-kon-chaw-koo-kaw, The Coming Thunder, or Kinnoshik; Sho-go-nik-kaw, or Little Hill; Maw-he-coo-shah-naw-zhe-kaw, One that Stands and Reaches the Skies, or Little Decorie; Waw-kon-caw-hoo-no-kaw, or Little Thunder; Hoonk-hoo-no-kaw, Little Chief or Little Priest; Honch-hutta-kaw, or Big Bear; Watch-ha-ta-kaw, or Big Canoe; Ha-zhum-kee-kaw, or One Horn; Ha-zee-kaw, or Yellow Bank; and Baptiste Lassallier, they being thereto duly authorized by said tribe:

ARTICLE 1. The Winnebago Indians, hereby cede, sell and convey, to the United States, all their right, title and interest in, and to, the tract of land granted to them pursuant to the third article of the treaty concluded with said tribe, at Washington city, on the thirteenth day of October one thousand eight hundred and forty-six, lying north of St.

Peter's river, and west of the Mississippi river, in the Territory of Minnesota, and estimated to contain about eight hundred and ninety-seven thousand and nine hundred (897,900) acres; the boundary lines of which, are thus described in the second article of the treaty concluded between the United States and the Chippewa Indians of the Mississippi and Lake

Superior, on the second day of August, one thousand eight hundred and forty-seven, viz; "Beginning at the junction of the Crow-Wing and Mississippi rivers; thence, up the Crow-Wing river, to the junction of that river with the Long Prairie river; thence, up the Long Prairie river, to the boundary line between the Sioux and Chippewa Indians; thence, southerly, along the said boundary line, to a lake at the head of Long Prairie river; thence, in a direct line, to the sources of the Watab river; thence down the Watab to the Mississippi river; thence, up the Mississippi, to the place of beginning;" provided, however, that the portions of said tract embracing the improved lands of the Indians, the grist and saw mill, and all other improvements, made for, or by them, shall be specially reserved from pre-emption, sale or settlement, until the said mills and improvements, including the improvements to the land, shall have been appraised, and sold at public sale, to the highest bidder, for the benefit of the Indians, but no sale thereof shall be made for less than the appraised value. And the President may prescribe such rules and regulations in relation to said sale as he may deem proper; and the person or persons purchasing said mills and improvements, shall have the right, when the land is surveyed, to enter the legal subdivisions thereof, including the improvements purchased by them, at one dollar and twenty-five cents per acre.

ARTICLE 2. In consideration of the cessions aforesaid, and in full compensation therefor, the United States agree to pay to the said Indians, the sum of seventy thousand dollars, (\$70,000,) and to grant them, as a permanent home, a tract of land equal to eighteen miles square, on the Blue Earth river, in the Territory of Minnesota, which shall be selected and located by the agent of the government and a delegation of the Winnebagoes, immediately after the ratification of this instrument, and after the necessary appropriations to carry it into effect, shall have been made; and a

report of such selection and location, shall be made in writing, to the superintendent of Indian affairs, for the Territory of Minnesota, who shall attach his official signature to the same, and forward it to the Commissioner of Indian Affairs; and the country thus selected, shall be the permanent home of the said Indians; provided, said tract shall not approach nearer the Minnesota river than the mouth of the La Serrer fork of the Blue Earth river.

ARTICLE 3. It is agreed, that the moneys received from the sale of the Indian improvements, as provided for in the first article, and the sum stipulated to be paid by the second article, of this instrument, shall be expended under the direction of the President, in removing the Indians to their new homes, including those who are now severed from the main body of the tribe, living in Kansas Territory, Wisconsin, or elsewhere; in subsisting them a reasonable time after their removal; in making improvements, such as breaking and fencing land and building houses; in purchasing stock, agricultural implements and household furniture, and for such other objects as may tend to promote their prosperity and advancement in civilization. And the said Winnebago Indians agree to remove to their new homes immediately after the selection of the tract hereinbefore provided for, is made.

ARTICLE 4. In order to encourage the Winnebago Indians to engage in agriculture, and such other pursuits as will conduce to their well-being and improvement, it is agreed; that at such time or times, as the President may deem advisable, the land herein provided to be selected as their future home, or such portion thereof as may be necessary, shall be surveyed; and the President shall, from time to time, as the Indians may desire it, assign to each head of a family, or single persons over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for their separate use; and he may, at his discretion, as the occupants thereof become capable of man-

aging their business and affairs, issue patents to them for the tracts so assigned to them, respectively; said tracts to be exempt from taxation, levy, sale or forfeiture, until otherwise provided by the legislature of the State in which they may be situated, with the assent of Congress; nor shall they be sold or alienated, in fee, within fifteen years after the date of the patents, and not then, without the assent of the President of the United States being first obtained. Prior to the patents being issued, the President shall make such rules and regulations, as he may deem necessary and expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons, to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts may be assigned, thereafter abandon them, the President may take such action in relation to such abandoned tracts, as in his judgment may be necessary and proper.

ARTICLE 5. All unexpended balances now in the hands of the agent of the tribe, arising under former treaties, for schools, pay of interpreter therefor, support of blacksmiths and assistants; and also the sum of ten thousand dollars set apart by the treaty of October thirteenth, eighteen hundred and forty-six, for manual-labor schools, shall be expended and applied, in the opening of farms, building and furnishing houses, and the purchase of stock for said Indians. And the stipulations in former treaties providing for the application or expenditure of particular sums of money for specific purposes, are hereby so far modified and changed, as to confer upon the President the power, in his discretion, to cause such sums of money, in whole, or in part, to be expended for, or applied to, such other objects and purposes, and in such manner, as he shall deem best calculated to promote the welfare and improvement of said Indians.

ARTICLE 6. No part of the moneys stip-

ulated to be paid to the Winnebago Indians by these articles of agreement and convention, nor any of the future instalments due and payable under former treaties between them and the United States, shall ever be taken, by direction of the chiefs, to pay the debts of individual Indians, contracted in their private dealings, known as national or tribal debts.

ARTICLE 7. The missionaries or other persons who are, by authority of law, now residing on the lands ceded by the first article of this agreement, shall each have the privilege of entering one hundred and sixty acres of the said ceded lands, to include any improvements they may have, at one dollar and twenty-five cents per acre; and such of the mixed bloods, as are heads of families, and now have actual residences and improvements of their own, in the ceded country, shall each have granted to them, in fee, eighty acres of land, to include their improvements; provided, however, that said entries and grants, shall in no case, be upon, or in any manner interfere with, any of the lands improved by the government, or by, or for, the Indians, or on which the agency building, saw and grist mill, or other public or Indian improvements, have been erected or made.

ARTICLE 8. The laws which have been, or may be, enacted by Congress, regulating trade and intercourse with the Indian tribes, shall continue and be in force within the country herein provided to be selected as the future permanent home of the Winnebago Indians; and those portions of said laws which prohibit the introduction manufacture, use of, and traffic in, ardent spirits, in the Indian country, shall continue and be in force within the country herein ceded to the United States, until otherwise provided by Congress.

ARTICLE 9. All roads and highways, authorized by law, the lines of which may be required to be laid through any part of the country herein provided as the future permanent home of the Winnebago Indians, shall have right of way through



Umatilla in Washington Oregon 2 June 1855
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TREATY

BETWEEN

THE UNITED STATES

AND THE

WALLA-WALLA, CAYUSES, AND UMATILLA TRIBES
AND BANDS OF INDIANS IN WASHINGTON
AND OREGON TERRITORIES.

JUNE 9, 1855. RATIFIED MARCH 8, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla valley on the ninth day of June, one thousand eight hundred and fifty-five, between Isaac J. Stevens, governor, and superintendent of Indian affairs for the Territory of Washington and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter named chiefs, headmen and delegates of the Walla-Walla, Cayuses and Umatilla tribes and bands of Indians, occupying lands partly in Washington and partly in Oregon Territory, they being duly authorized thereto by said tribes and bands; which treaty is in the following words and figures, to wit:

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Walla-Walla, Cayuses, and Umatilla tribes and bands of Indians, occupying lands partly in Washington and partly in Oregon Territories, and who, for the purposes of this treaty, are to be regarded as one nation acting for and in behalf of their respective bands and tribes, they being duly authorized thereto; it being understood that Superintendent I. I. Stevens assumes to treat with that portion of the above named bands and tribes residing within the Territory of Washington, and Superintendent Palmer with those residing within Oregon.

ARTICLE I. The above named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit: Commencing at the mouth of the Tocanoc river, in Washington Territory, running thence up said river to its source; thence easterly along the summit of the Blue mountains, and on the southern boundaries of the purchase made of the Nez Percé Indians, and easterly along that boundary to the western limits of the

country claimed by the Shoshonees or Snake Indians; thence southerly along that boundary (being the waters of Powder river) to the source of Powder river; thence to the headwaters of Willow creek; thence down Willow creek to the Columbia river; thence up the channel of the Columbia river to the lower end of a large island below the mouth of Umatilla river; thence northerly to a point on the Yakama river called Tohmahluke; thence to Le Lac; thence to the White banks on the Columbia, below Priest's rapids; thence down the

Columbia river to the junction of the Columbia and Snake rivers; thence up the Snake river to the place of beginning: *Provided, however*, That so much of the country described above as is contained in the following boundaries shall be set apart as a residence for said Indians, which tract, for the purposes contemplated, shall be held and regarded as an Indian reservation, to wit: Commencing in the middle of the channel of Umatilla river, opposite the mouth of Wild Horse creek; thence up the middle of the channel of said creek to its source; thence southerly to a point in the Blue mountains known as Lee's encampment; thence in a line to the headwaters of Howtome creek; thence west to the divide between Howtome and Birch creeks; thence northerly along said divide to a point due west of the southwest corner of William C. McKay's land claim; thence east along his line to his southeast corner; thence in a line to the place of beginning. All of which tract shall be set apart and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white person be permitted to reside upon the same without permission of the agent and superintendent. The said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the government other than is provided by this treaty, and until the expiration of the time specified the said bands shall be permitted to occupy and reside upon the tracts now possessed by them, guaranteeing to all citizens of the United States the right to enter upon and occupy as settlers any lands not actually enclosed by said Indians: *Provided, also*, That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries, and pasturing their stock

on unclaimed lands in common with citizens, is also secured to them: *And provided, also*, That if any band or bands of Indians, residing in and claiming any portion or portions of the country described in this article, shall not accede to the terms of this treaty, then the bands becoming parties hereunto agree to reserve such part of the several and other payments herein named, as a consideration for the entire country described as aforesaid, as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them: *And provided, also*, That when substantial improvements have been made by any member of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, shall be valued under the direction of the President of the United States, and payment made therefor.

ARTICLE II. In consideration of and payment for the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, and who remove to and reside upon said reservation, the several sums of money following, to wit: eight thousand dollars per annum for the term of five years, commencing on the first day of September, 1856; six thousand dollars per annum for the term of five years next succeeding the first five; four thousand dollars per annum for the term of five years next succeeding the second five, and two thousand dollars per annum for the term of five years next succeeding the third five; all of which several sums of money shall be expended for the use and benefit of the confederated bands herein named, under the direction of the President of the United States, who may from time to time at his discretion determine what proportion thereof shall be expended for such objects as in his judgment will promote their well being, and advance them in civilization; for their moral improve-

ment and education; for buildings, opening and fencing farms, breaking land, purchasing teams, wagons, agricultural implements, and seeds; for clothing, provision, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE III. In addition to the articles advanced the Indians at the time of signing this treaty, the United States agree to expend the sum of fifty thousand dollars during the first and second years after its ratification for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing, and provisions; for medicines and tools; for the payment of employes, and for subsisting the Indians the first year after their removal.

ARTICLE IV. In addition to the consideration above specified, the United States agree to erect at suitable points on the reservation, one saw mill and one flouring mill, a building suitable for a hospital, two school-houses, one blacksmith shop, one building for wagon and ploughmaker, and one carpenter and joiner shop, one dwelling for each; two millers, one farmer, one superintendent of farming operations, two school teachers, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, to each of which the necessary out buildings; to purchase and keep in repair for the term of twenty years all necessary mill fixtures and mechanical tools, medicines and hospital stores, books and stationery for schools, and furniture for employes.

The United States further engage to secure and pay for the services and subsistence, for the term of twenty years, one superintendent of farming operations, one farmer, one blacksmith, one wagon and ploughmaker, one carpenter and joiner, one physician, and two school teachers.

ARTICLE V. The United States further engage to build for the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands each one dwelling-house, and to plough and fence ten acres of land for each, and to pay to each five hundred

dollars per annum in cash for the term of twenty years. The first payment to the Walla-Walla chief to commence upon the signing of this treaty. To give to the Walla-Walla chief three yoke of oxen, three yokes and four chains, one wagon, two ploughs, twelve hoes, twelve axes, two shovels, and one saddle and bridle, one set of wagon harness, and one set of plough harness, within three months after the signing of this treaty.

To build for the son of Pio-pio-mox-mox one dwelling-house, and plough and fence five acres of land, and to give him a salary for twenty years, one hundred dollars in cash per annum, commencing September 1st, eighteen hundred and fifty-six.

The improvement named in this section to be completed as soon after the ratification of this treaty as possible.

It is further stipulated that Pio-pio-mox-mox is secured, for the term of five years, the right to build and occupy a house at or near the mouth of the Yakama river, to be used as a trading post in the sale of his bands of wild cattle ranging in that district. *And provided, also,* That in consequence of the immigrant wagon road from Grand Round to Umatilla passing through the reservation herein specified, thus leading to turmoils and disputes between Indians and immigrants, and as it is known that a more desirable and practicable route may be had to the south of the present road, that a sum not exceeding ten thousand dollars shall be expended in locating and opening a wagon road from Powder river or Grand Round, so as to reach the plain at the western base of the Blue mountains, south of the southern limits of said reservation.

ARTICLE VI. The President may, from time to time, at his discretion, cause the whole or such portion as he may think proper of the tract that may now or hereafter be set apart as a permanent home for those Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently, to a single person over

twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres to each additional three members; and the President may provide for such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale, or forfeiture, which condition shall continue in force until a State constitution, embracing such land within its limits, shall have been formed, and the legislature of the State shall remove the restriction: *Provided, however*, That no State legislature shall remove the restriction herein provided for without the consent of Congress: *And provided, also*, That if any person or family shall, at any time, neglect or refuse to occupy or till a portion of the land assigned, and on which they have located, or shall roam from place to place, indicating a desire to abandon his home, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family their portion of the annuities or other money due them, until they shall have returned to such permanent home and resumed the pursuits of industry, and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation: *And provided, also*, That the head chiefs of the three principal bands, to wit, Pio-pio-mox-mox, Weyatenatemany, and Wenap-smoot, shall be secured in a tract of at least one hundred and sixty acres of land.

ARTICLE VII. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of such citizens, and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matter of difference between them and other Indians to the government of the United States or its agents for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the article in case of depredations against citizens. Said Indians further engage to submit to and observe all laws, rules, and regulations which may be prescribed by the United States for the government of said Indians.

ARTICLE IX. In order to prevent the evils of intemperance among said Indians, it is hereby provided that if any one of them shall drink liquor, or procure it for others to drink, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The said confederated bands agree that whenever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians.

ARTICLE XI. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said I. I. Stevens and Joel Palmer, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this ninth day of June, eighteen hundred and fifty-five.

ISAAC I. STEVENS, [L. s.]
Governor and Superintendent Washington Territory.
JOEL PALMER, [L. s.]
Superintendent Indian Affairs, O. T.

Pio-pio-mox-mox, Head chief of Walla-Wallas.	his x mark.	[L. s.]
Meani-teat or Pierre,	his x mark.	[L. s.]
Weyatenatemany, Head chief of Cayuses.	his x mark.	[L. s.]
Wenap-snoot, Head chief of Umatillas.	his x mark.	[L. s.]
Kamaspello,	his x mark.	[L. s.]
Steachus,	his x mark.	[L. s.]
Howlish-wampo,	his x mark.	[L. s.]
Five Crows,	his x mark.	[L. s.]
Stocheania,	his x mark.	[L. s.]
Mu-howlish,	his x mark.	[L. s.]
Lin-tin-met-cheania,	his x mark.	[L. s.]
Petamyo-mox-mox,	his x mark.	[L. s.]
Watah-te-waty,	his x mark.	[L. s.]
She-yam-na-kon,	his x mark.	[L. s.]
Qua-chim,	his x mark.	[L. s.]
Te-walca-temany,	his x mark.	[L. s.]
Keantoan,	his x mark.	[L. s.]
U-wait-quaick,	his x mark.	[L. s.]
Tilch-a-waix,	his x mark.	[L. s.]
La-ta-chin,	his x mark.	[L. s.]
Kacho-rolich,	his x mark.	[L. s.]
Kanocey,	his x mark.	[L. s.]
Som-na-howlish,	his x mark.	[L. s.]
Ta-we-way,	his x mark.	[L. s.]
Ha-hats-me-cheat-pus,	his x mark.	[L. s.]
Pe-na-cheanit,	his x mark.	[L. s.]
Ha-yo-makin,	his x mark.	[L. s.]
Ya-ca-lax,	his x mark.	[L. s.]
Na-kas,	his x mark.	[L. s.]
Stop-cha-yeou,	his x mark.	[L. s.]
He-yeau-she-keaut,	his x mark.	[L. s.]
Sha-wa-way,	his x mark.	[L. s.]
Tam-cha-key,	his x mark.	[L. s.]
Te-na-we-na-cha,	his x mark.	[L. s.]
Johnson,	his x mark.	[L. s.]
Whe-la-chey,	his x mark.	[L. s.]

Signed in the presence of—

JAMES DOTY, *Secretary Treaties.*
WM. C. MCKAY, *Secretary Treaties.*
C. CHIROUSE, *O. M. T.*

A. D. PAMBURN, *Interpreter.*
 JOHN WHITFORD, his x mark, *Interpreter.*
 MATHEW DOFA, his x mark, *Interpreter.*
 WILLIAM CRAIG, *Interpreter.*
 JAMES COXEY, his x mark, *Interpreter.*
 PATRICK MCKENZIE, *Interpreter.*
 ARCH. GRACIE, jr., *Brevet Second Lieutenant 4th Infantry.*
 R. R. THOMPSON, *Indian Agent.*
 R. B. METCALFE, *Indian Sub-Agent.*

And whereas, the said treaty was submitted to the Senate of the United States for its constitutional action thereon, and the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 8, 1859.

“*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the chiefs, headmen and delegates of the Walla-Wallas, Cayuses and Umatilla tribes of Indians occupying lands partly in Washington and partly in Oregon Territories, and signed the 9th day of June, 1855.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March the eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

129

TREATY

BETWEEN

THE UNITED STATES

AND THE

YAKAMA NATION OF INDIANS.

. JUNE 9, 1855. RATIFIED MARCH 8, 1859.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Treaty Ground, Camp Stevens, Walla-Walla Valley, on the ninth day of June, in the year one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor, and superintendent of Indian affairs, for the Territory of Washington, on the part of the United States, and the hereinafter named head chief, chiefs, headmen and delegates of the Yakama, Palouse, Pisuouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat, confederate tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its Head Chief, on behalf of and acting for said bands and tribes and duly authorized thereto by them; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, Walla-Walla valley, this ninth day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned head chief, chiefs, headmen and delegates of the Yakama, Palouse, Pisuouse, Wenatshapam, Klikatat, Klinquit, Kow-was-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat, confederated tribes and bands of Indians, occupying lands hereinafter bounded and described and lying in Washington Territory, who for the purposes of this treaty are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its head chief, on behalf of and acting for said tribes and bands, and being duly authorized thereto by them.

ARTICLE I. The aforesaid confederated tribes and bands of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest

in and to the lands and country occupied and claimed by them, and bounded and described as follows, to wit:

Commencing at Mount Ranier, thence

northerly along the main ridge of the Cascade mountains to the point where the northern tributaries of Lake Che-lan and the southern tributaries of the Methow river have their rise; thence southeasterly on the divide between the waters of Lake Che-lan and the Methow river to the Columbia river; thence, crossing the Columbia on a true east course, to a point whose longitude is one hundred and nineteen degrees and ten minutes, ($119^{\circ} 10'$), which two latter lines separate the above confederated tribes and bands from the Oakinakane tribe of Indians; thence in a true south course to the forty-seventh (47°) parallel of latitude; thence east on said parallel to the main Palouse river, which two latter lines of boundary separate the above confederated tribes and bands from the Spokanes; thence down the Palouse river to its junction with the Moh-hah-ne-she, or southern tributary of the same; thence, in a southeasterly direction, to the Snake river, at the mouth of the Tucannon river, separating the above confederated tribes from the Nez Percé tribe of Indians; thence down the Snake river to its junction with the Columbia river; thence up the Columbia river to the "White banks," below the Priest's rapids; thence westerly to a lake called "La Lac;" thence southerly to a point on the Yakama river called Toh-mah-luke; thence, in a southwesterly direction, to the Columbia river, at the western extremity of the "Big island," between the mouths of the Umatilla river and Butler creek; all which latter boundaries separate the above confederated tribes and bands from the Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians; thence down the Columbia river to midway between the mouths of White Salmon and Wind rivers; thence along the divide between said rivers to the main ridge of the Cascade mountains; and thence along said ridge to the place of beginning.

ARTICLE II. There is, however, reserved, from the lands above ceded for the use and occupation of the aforesaid confederated tribes and bands of Indians,

the tract of land included within the following boundaries, to wit:

Commencing on the Yakama river, at the mouth of the Attah-nam river; thence westerly along said Attah-nam river to the forks; thence along the southern tributary to the Cascade mountains; thence southerly along the main ridge of said mountains, passing south and east of Mount Adams, to the spur whence flows the waters of the Klickitat and Pisco rivers; thence down said spur to the divide between the waters of said rivers; thence along said divide to the divide separating the waters of the Satass river from those flowing into the Columbia river; thence along said divide to the main Yakama, eight miles below the mouth of the Satass river; and thence up the Yakama river to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out, for the exclusive use and benefit of the said confederated tribes and bands of Indians, as an Indian reservation; nor shall any white man, excepting those in the employment of the Indian Department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent. And the said confederated tribes and bands agree to relocate, and settle upon, the same, within one year after the ratification of this treaty. In the meantime it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States; and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing, however, the right to all citizens of the United States, to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named.

And provided, that any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may

be compelled to abandon in consequence of this treaty, shall be valued, under the direction of the President of the United States, and payment made therefor in money; or improvements of an equal value made for said Indian upon the reservation. And no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money, or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. *And provided*, that, if necessary for the public convenience, roads may be run through the said reservation; and on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them; as also the right, in common with citizens of the United States, to travel upon all public highways.

The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes and bands of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner, that is to say: sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after

the ratification of the treaty, ten thousand dollars per year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand dollars per year; and for the next five years, four thousand dollars per year.

All which sums of money shall be applied to the use and benefit of said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping them in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located at the agency, and to be free to the children of the said confederated tribes and bands of Indians, and to employ one superintendent of teaching and two teachers; to build two blacksmiths' shops, to one of which shall be attached a tin shop, and to the other a gunsmith's shop; one carpenter's shop, one waggon and ploughmaker's shop, and to keep the same in repair and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one waggon and ploughmaker, for the instruction of the Indians in trades and to assist them in the same; to erect one saw mill and one flouring mill, keeping the same in repair and furnished with the necessary tools and fixtures; to erect a hospital, keeping the same in repair and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees.

The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chief of the said confederated tribes and bands of Indians is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agree to pay to the said confederated tribes and bands of Indians five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such person as the said confederated tribes and bands of Indians may select to be their head chief; to build for him at a suitable point on the reservation a comfortable house and properly furnish the same, and to plough and fence ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may continue to hold that office.

And it is distinctly understood and agreed that at the time of the conclusion of this treaty Kamaiakun is the duly elected and authorized head chief of the confederated tribes and bands aforesaid, styled the Yakama nation, and is recognized as such by them and by the commissioners on the part of the United States holding this treaty; and all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said confederated tribes and bands of Indians. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may, from time to time, at his discretion, cause the whole or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes and bands of Indians as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms

and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes and bands of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes and bands of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens.

And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities.

Nor will they make war upon any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States or its agent for decision, and abide thereby. And if any of the said Indians commit depredations on any other Indians within the Territories of Washington or Oregon, the same rule shall prevail as that provided in this article in case of depredations against citizens. And the said confederated tribes and bands of Indians agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The said confederated tribes and bands of Indians desire to exclude from their reservation the use of ardent spirits and to prevent their people from drinking the same, and, therefore, it is provided that any Indian belonging to said confederated tribes and bands of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her annuities withheld from him or her for such time as the President may determine.

ARTICLE X. And provided, that there is also reserved and set apart from the lands ceded by this treaty, for the use and benefit of the aforesaid confederated tribes and bands, a tract of land not exceeding in quantity one township of six miles square, situated at the forks of the Pisuouse or Wenatshapam river, and known as the "Wenatshapam fishery," which said reservation shall be surveyed

and marked out whenever the President may direct, and be subject to the same provisions and restrictions as other Indian reservations.

ARTICLE XI. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned, head chief, chiefs, headmen and delegates of the aforesaid confederated tribes and bands of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. S.]
Governor and Superintendent.

Kamaiakun,	his x mark.	[L. S.]
Skloom,	his x mark.	[L. S.]
Owhi,	his x mark.	[L. S.]
Te-cole-kun,	his x mark.	[L. S.]
La-Hoom,	his x mark.	[L. S.]
Me-ni-nock,	his x mark.	[L. S.]
Elit Palmer,	his x mark.	[L. S.]
Wish-och-kmpits,	his x mark.	[L. S.]
Koo-lat-toose,	his x mark.	[L. S.]
Shee-ah-cotte,	his x mark.	[L. S.]
Tuck-quille,	his x mark.	[L. S.]
Ka-loo-as,	his x mark.	[L. S.]
Scha-noo-a,	his x mark.	[L. S.]
Sla-kish,	his x mark.	[L. S.]

Signed and sealed in presence of—

JAMES DOTY, *Secretary of Treaties.*

MIC. CLES. PANDOSY, *O. M. T.*

WM. C. MCKAY.

W. H. TAPPAN, *Indian Sub-Agent, W. T.*

C. CHIROUSE, *O. M. T.*

PATRICK MCKENZIE, *Interpreter.*

A. D. PAMBURN, *Interpreter.*

JOEL PALMER, *Superintendent Indian Affairs, O. T.*

W. D. BIGLOW.

A. D. PAMBURN, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the said Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE, UNITED STATES,

"March 8, 1859.

"*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Head Chief, Chiefs, Headmen and Delegates of the Yakama, Palouse, and other confederated tribes and bands of Indians, occupying lands lying in Washington Territory, who, for the purposes of this treaty, are to be considered as one nation, under the name of "Yakama," with Kamaiakun as its Head Chief, signed 9th June, 1855.

"Attest:

"ASBURY DICKINS, *Secretary*."

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March the eighth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereunto caused the seal of the United States to be affixed, and have signed the same with my hand.



Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.

130

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

NEZ PERCÉ INDIANS.

JUNE 11, 1855. RATIFIED APRIL 29, 1859.

THE

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JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla valley, on the eleventh day of June, one thousand eight hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territory, between the Cascade and the Bitter Root mountains, on behalf of and duly authorized by said tribe, which said treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the treaty ground, Camp Stevens, in the Walla-Walla valley, this eleventh day of June, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the Nez Percé tribe of Indians occupying lands lying partly in Oregon and partly in Washington Territories, between the Cascade and Bitter Root mountains, on behalf of, and acting for said tribe, and being duly authorized thereto by them, it being understood that Superintendent Isaac I. Stevens assumes to treat only with those of the above-named tribe of Indians residing within the Territory of Washington, and Superintendent Palmer with those residing exclusively in Oregon Territory.

ARTICLE 1. The said Nez Percé tribe of Indians hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit: Commencing at the source of the Wo-

na-ne-she or southern tributary of the Palouse river; thence down that river to the main Palouse; thence in a southerly direction to the Snake river, at the mouth of the Tucanon river; thence up the Tucanon to its source in the Blue mountains; thence southerly along the

ridge of the Blue mountains; thence to a point on Grand Ronde river, midway between Grand Ronde and the mouth of the Woll-low-how river; thence along the divide between the waters of the Woll-low-how and Powder river; thence to the crossing of Snake river, at the mouth of Powder river; thence to the Salmon river, fifty miles above the place known as the "crossing of the Salmon river;" thence due north to the summit of the Bitter Root mountains; thence along the crest of the Bitter Root mountains to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded for the use and occupation of the said tribe, and as a general reservation for other friendly tribes and bands of Indians in Washington Territory, not to exceed the present numbers of the Spokane, Walla-Walla, Cayuse, and Umatilla tribes and bands of Indians, the tract of land included within the following boundaries, to wit: commencing where the Moh-ha-na-she or southern tributary of the Palouse river flows from the spurs of the Bitter Root mountains; thence down said tributary to the mouth of the Ti-nat-pan-up creek, thence southerly to the crossing of the Snake river ten miles below the mouth of the Al-po-wa-wi river; thence to the source of the Al-po-wa-wi river in the Blue mountains; thence along the crest of the Blue mountains; thence to the crossing of the Grand Ronde river, midway between the Grand Ronde and the mouth of Woll-low-how river; thence along the divide between the waters of the Woll-low-how and Powder rivers; thence to the crossing of the Snake river fifteen miles below the mouth of the Powder river; thence to the Salmon river above the crossing; thence by the spurs of the Bitter Root mountains to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation; nor shall any white man, excepting those in the employment of the

Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees to remove to and settle upon the same within one year after the ratification of this treaty. In the mean time it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant, guarantying, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. And provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value he made for said Indian upon the reservation, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money or improvements of equal value shall be furnished him as aforesaid.

ARTICLE III. And provided that, if necessary for the public convenience, roads may be run through the said reservation, and, on the other hand, the right of free way with free access from the same to the nearest public highway is secured to them, as also the right, in common with citizens of the United States, to travel upon all public highways. The use of the clear water and other streams flowing through the reservation is also secured to citizens of the United States for rafting purposes, and as public highways.

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians; as also the right

of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said tribe, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred thousand dollars, in the following manner—that is to say, sixty thousand dollars, to be expended under the direction of the President of the United States, the first year after the ratification of this treaty, in providing for their removal to the reserve, breaking up and fencing farms, building houses, supplying them with provisions and a suitable outfit, and for such other objects as he may deem necessary, and the remainder in annuities, as follows: for the first five years after the ratification of this treaty, ten thousand dollars each year, commencing September 1, 1856; for the next five years, eight thousand dollars each year; for the next five years, six thousand each year, and for the next five years, four thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them. And the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, two schools, erecting the necessary buildings, keeping the same in repair, and providing them with furniture, books, and stationery, one of which shall be an agricultural and industrial school, to be located

at the agency, and to be free to the children of said tribe, and to employ one superintendent of teaching and two teachers; to build two blacksmith's shops, to one of which shall be attached a tin shop, and to the other a gunsmith's shop; one carpenter's shop, one wagon and ploughmaker's shop, and to keep the same in repair, and furnished with the necessary tools; to employ one superintendent of farming and two farmers, two blacksmiths, one tinner, one gunsmith, one carpenter, one wagon and ploughmaker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employes. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employes to be kept in service for the period of twenty years.

And in view of the fact that the head chief of the tribe is expected, and will be called upon, to perform many services of a public character, occupying much of his time, the United States further agree to pay to the Nez Percé tribe five hundred dollars per year for the term of twenty years, after the ratification hereof, as a salary for such person as the tribe may select to be its head chief. To build for him, at a suitable point on the reservation, a comfortable house, and properly furnish the same, and to plough and fence for his use ten acres of land. The said salary to be paid to, and the said house to be occupied by, such head chief so long as he may be elected to that position by his tribe, and no longer.

And all the expenditures and expenses contemplated in this fifth article of this treaty shall be defrayed by the United

States, and shall not be deducted from the annuities agreed to be paid to said tribe, nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portions of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of said tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas in the year 1854, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid tribe shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid tribe acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens; and should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and the other Indians to the government of the United States, or its agent, for decision, and abide thereby;

and if any of the said Indians commit any depredations on any other Indians within the Territory of Washington, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens. And the said tribe agrees not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE IX. The Nez Percés desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said tribe who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The Nez Percé Indians having expressed in council a desire that William Craig should continue to live with them, he having uniformly shown himself their friend, it is further agreed that the tract of land now occupied by him, and described in his notice to the register and receiver of the land office of the Territory of Washington, on the fourth day of June last, shall not be considered a part of the reservation provided for in this treaty, except that it shall be subject in common with the lands of the reservation to the operations of the intercourse act.

ARTICLE XI. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and Joel Palmer, superintendent of Indian affairs for Oregon Territory, and the chiefs, headmen, and delegates of the aforesaid Nez Percé tribe of Indians, have hereunto set their hands and seals, at the place, and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]
Governor and Sup't Washington Territory.
JOEL PALMER, [L. s.]
Superintendent Indian Affairs.

Aleiya, or Lawyer,		[L. S.]
Head-chief of the Nez Percés.		
Appushwa-hite, or Looking-glass,	his x mark.	[L. S.]
Joseph,	his x mark.	[L. S.]
James,	his x mark.	[L. S.]
Red Wolf,	his x mark.	[L. S.]
Timothy,	his x mark.	[L. S.]
Wate-sin-male-cun,	his x mark.	[L. S.]
Spotted Eagle,	his x mark.	[L. S.]
Stoop-toop-nin, or Cut-Hair,	his x mark.	[L. S.]
Tah-moh-moh-kin,	his x mark.	[L. S.]
Tippelanechupooh,	his x mark.	[L. S.]
Hah-hah-stilpilp,	his x mark.	[L. S.]
Cool-cool-shua-nin,	his x mark.	[L. S.]
Silish,	his x mark.	[L. S.]
Toh-toh-molewit,	his x mark.	[L. S.]
Tuky-in-lik-it,	his x mark.	[L. S.]
Te-hole-hole-soot,	his x mark.	[L. S.]
Ish-coh-tim,	his x mark.	[L. S.]
Wee-as-cus,	his x mark.	[L. S.]
Hah-hah-stoore-tee,	his x mark.	[L. S.]
Eee-maht-sin-pooch,	his x mark.	[L. S.]
Tow-wish-au-il-pilp,	his x mark.	[L. S.]
Kay-kay-mass,	his x mark.	[L. S.]
Speaking Eagle,	his x mark.	[L. S.]
Wat-ti-wat-ti-wah-hi,	his x mark.	[L. S.]
Howh-no-tah-kun,	his x mark.	[L. S.]
Tow-wish-wane,	his x mark.	[L. S.]
Wahpt-tah-shooshe,	his x mark.	[L. S.]
Bead Necklace,	his x mark.	[L. S.]
Koos-koos-tas-kut,	his x mark.	[L. S.]
Levi,	his x mark.	[L. S.]
Pee-oo-pe-whi-hi,	his x mark.	[L. S.]
Pee-oo-pee-iecteim,	his x mark.	[L. S.]
Pee-poome-kah,	his x mark.	[L. S.]
Hah-hah-stilil-at-me,	his x mark.	[L. S.]
Wee-yoke-sin-ate,	his x mark.	[L. S.]
Wee-ah-ki,	his x mark.	[L. S.]
Necalahtsin,	his x mark.	[L. S.]
Suck-on-tie,	his x mark.	[L. S.]
Ip-nat-tam-moose,	his x mark.	[L. S.]
Jason,	his x mark.	[L. S.]
Kole-kole-til-ky,	his x mark.	[L. S.]
In-mat-tute-kah-ky,	his x mark.	[L. S.]
Moh-see-chee,	his x mark.	[L. S.]
George,	his x mark.	[L. S.]
Nicke-el-it-may-ho,	his x mark.	[L. S.]
Say-i-ee-ouse,	his x mark.	[L. S.]
Wis-tasse-cut,	his x mark.	[L. S.]
Ky-ky-soo-te-lum,	his x mark.	[L. S.]
Ko-ko-whay-nee,	his x mark.	[L. S.]
Kwin-to-kow,	his x mark.	[L. S.]
Pee-wee-au-ap-tah,	his x mark.	[L. S.]

Wee-at-tenat-il-pilp,
 Pee-oo-pee-u-il-pilp,
 Wah-tass-tum-mannee,
 Tu-wee-si-ce,
 Lu-ee-sin-kah-koose-sin,
 Hah-tal-ee-kin,

his x mark.	[L. S.]
his x mark.	[L. S.]
his x mark.	[L. S.]
his x mark.	[L. S.]
his x mark.	[L. S.]
his x mark.	[L. S.]

Signed and sealed in presence of us—

JAMES DOTY, *Secretary of Treaties, W. T.*
 WM. C. MCKAY, *Secretary of Treaties, O. T.*
 W. H. TAPPAN, *Indian Sub-Agent.*
 WILLIAM CRAIG, *Interpreter.*
 A. D. PAMBURN, *Interpreter.*
 WM. McBEAN.
 G. C. BOMFORD.
 C. CHIROUSE, *O. M. T.*
 MIE. CLES. PANDOSY.
 LAWRENCE KIP.
 W. H. PEARSON.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE, UNITED STATES,
 "March 8, 1859.

"Resolved, (two-thirds of the senators present concurring.) that the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs, headmen and delegates of the Nez Percé tribe of Indians, occupying lands lying partly in Washington and partly in Oregon Territories, between the Cascade and Bitter Root mountains, signed the 11th day of June, 1855.

"Attest:

"ASBURY DICKINS, *Secretary.*"

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

121

TREATY
BETWEEN
THE UNITED STATES
AND THE
FLATHEAD, KOOTENAY, AND UPPER PEND
D'OREILLES INDIANS.

JULY 16, 1855. RATIFIED APRIL 18, 1859.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the treaty ground, at Hell Gate, in the Bitter Root Valley, on the sixteenth day of July, eighteen hundred and fifty-five, between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the hereinafter named chiefs, headmen, and delegates of the confederated tribes of the Flatheads, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes and duly authorized thereto, by them, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the treaty ground at Hell Gate, in the Bitter Root valley, this sixteenth day of July, in the year one thousand eight hundred and fifty-five, by and between Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, on behalf of and acting for said confederated tribes, and being duly authorized thereto by them; it being understood and agreed that the said confederated tribes do hereby constitute a nation, under the name of the Flathead nation, with Victor, the head chief of the Flathead tribe, as the head chief of the said nation, and that the several chiefs, headmen, and delegates, whose names are signed to this treaty, do hereby, in behalf of their respective tribes, recognize Victor as said head chief.

ARTICLE I. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

Commencing on the main ridge of the Rocky mountains at the forty-ninth (49th) parallel of latitude, thence west-

wardly on that parallel to the divide between the Flat-bow or Kootenay river and Clarke's fork; thence southerly and southeasterly along said divide to the one hundred and fifteenth degree of longitude, (115°,) thence in a south-westerly direction to the divide between the sources of the St. Regis Borgia and the Cœur d'Alene rivers, thence south-easterly and southerly along the main

ridge of the Bitter Root mountains to the divide between the headwaters of the Koos-koos-kee river and of the southwestern fork of the Bitter Root river, thence easterly along the divide, separating the waters of the several tributaries of the Bitter Root river from the waters flowing into the Salmon and Snake rivers to the main ridge of the Rocky mountains, and thence northerly along said main ridge to the place of beginning.

ARTICLE II. There is, however, reserved from the lands above ceded, for the use and occupation of the said confederated tribes, and as a general Indian reservation, upon which may be placed other friendly tribes and bands of Indians of the Territory of Washington who may agree to be consolidated with the tribes parties to this treaty, under the common designation of the Flathead nation, with Victor, head chief of the Flathead tribe, as the head chief of the nation, the tract of land included within the following boundaries, to wit:

Commencing at the source of the main branch of the Jocko river; thence along the divide separating the waters flowing into the Bitter Root river from those flowing into the Jocko to a point on Clarke's fork between the Camash and Horse prairies; thence northerly to, and along the divide bounding on the west the Flathead river, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em, and the Jocko rivers take their rise; and thence southerly along said divide to the place of beginning.

All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. And

the said confederated tribes agree to remove to and settle upon the same within one year after the ratification of this treaty. In the meantime, it shall be lawful for them to reside upon any ground not in the actual claim and occupation of citizens of the United States, and upon any ground claimed or occupied, if with the permission of the owner or claimant.

Guaranteeing, however, the right to all citizens of the United States to enter upon and occupy as settlers any lands not actually occupied and cultivated by said Indians at this time, and not included in the reservation above named. And provided, that any substantial improvements heretofore made by any Indian, such as fields enclosed and cultivated, and houses erected upon the lands hereby ceded, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment made therefor in money, or improvements of an equal value be made for said Indian upon the reservation; and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until their value in money, or improvements of an equal value shall be furnished him as aforesaid.

ARTICLE III. *And provided*, That, if necessary for the public convenience, roads may be run through the said reservation; and, on the other hand, the right of way with free access from the same to the nearest public highway is secured to them; as also the right in common with citizens of the United States to travel upon all public highways.

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses

and cattle upon open and unclaimed land.

ARTICLE IV. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of one hundred and twenty thousand dollars, in the following manner—that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the President in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

All which said sums of money shall be applied to the use and benefit of the said Indians, under the direction of the President of the United States, who may from time to time determine, at his discretion, upon what beneficial objects to expend the same for them; and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto.

ARTICLE V. The United States further agree to establish at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books, and stationery, to be located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors. To furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnished with the necessary tools. To employ two farmers, one blacksmith, one tinner, one

gunsmith, one carpenter, one wagon and plough maker, for the instruction of the Indians in trades, and to assist them in the same. To erect one saw mill and one flouring mill, keeping the same in repair and furnished with the necessary tools and fixtures, and to employ two millers. To erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary for such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation a comfortable house, and properly furnish the same, and to plough and fence for each of them ten acres of land. The salary to be paid to, and the said houses to be occupied by, such head chiefs so long as they may be elected to that position by their tribes, and no longer.

And all the expenditures and expenses contemplated in this article of this treaty shall be defrayed by the United States, and shall not be deducted from the annuities agreed to be paid to said tribes. Nor shall the cost of transporting the goods for the annuity payments be a charge upon the annuities, but shall be defrayed by the United States.

ARTICLE VI. The President may from time to time, at his discretion, cause the whole, or such portion of such reserva-

tion as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

ARTICLE VII. The annuities of the aforesaid confederated tribes of Indians shall not be taken to pay the debts of individuals.

ARTICLE VIII. The aforesaid confederated tribes of Indians acknowledge their dependence upon the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

ISAAC I. STEVENS, [L. s.]
Governor and Superintendent Indian Affairs W. T.

ARTICLE IX. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE X. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading post on the Pru-ri-er river by the servants of that company.

ARTICLE XI. It is, moreover, provided that the Bitter Root valley, above the Loo-lo fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flat-head tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root valley, above the Loo-lo fork, shall be opened to settlement until such examination is had and the decision of the President made known.

ARTICLE XII. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Victor,	his x mark.	[L. s.]
<i>Head chief of the Flathead Nation.</i>		
Alexander,	his x mark.	[L. s.]
<i>Chief of the Upper Pend d'Oreilles.</i>		
Michelle,	his x mark.	[L. s.]
<i>Chief of the Kootenays.</i>		
Ambrose,	his x mark.	[L. s.]
Pah-soh,	his x mark.	[L. s.]
Bear Track,	his x mark.	[L. s.]
Adolphc,	his x mark.	[L. s.]
Thunder,	his x mark.	[L. s.]
Big Canoe,	his x mark.	[L. s.]
Kootel Chah,	his x mark.	[L. s.]
Paul,	his x mark.	[L. s.]
Andrew,	his x mark.	[L. s.]
Michelle,	his x mark.	[L. s.]
Battiste,	his x mark.	[L. s.]

Kootenays.

Gun Flint,	his x mark.	[L. s.]
Little Michelle,	his x mark.	[L. s.]
Paul See,	his x mark.	[L. s.]
Moses,	his x mark.	[L. s.]

JAMES DOTY, *Secretary.*

R. H. LANSDALE, *Indian Agent.*

W. H. TAPPAN, *Sub Indian Agent.*

HENRY R. CROSIRE.

GUSTAVUS SOHON, *Flathead Interpreter.*

A. J. HOECKEN, *Sp. Mis.*

WILLIAM CRAIG.

And, whereas, the said treaty having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 8, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs, Headmen and Delegates of the confederate tribes of the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, who are constituted a nation under the name of the Flathead Nation signed 16th day of July, 1855.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto caused the seal of the United States to be affixed, and have signed the same with my hand.



Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

By the President:

JAMES BUCHANAN.

LEWIS CASS, *Secretary of State.*

1850

132

TREATY
BETWEEN
THE UNITED STATES
AND THE
CHOCTAW AND CHICKASAW INDIANS.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Washington, on the twenty-second day of June, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws, and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, which treaty is in the words following, to wit:

Articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington; the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis; commissioners on the part of the Choctaws; and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws:

Whereas, the political connexion heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States: and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and, also, to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing

to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude: and whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final

adjudication and adjustment and whereas, it is necessary for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument:

Now, therefore, the United States of America, by their commissioner, George W. Manypenny, the Choctaws, by their commissioners, Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, and the Chickasaws, by their commissioners, Edmund Pickens and Sampson Folsom do hereby agree and stipulate as follows, viz:

ARTICLE I. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz: Beginning at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red river; thence up Red river to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning.

And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guaranty the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however*, no part thereof shall ever be sold without the consent of both tribes; and that said land shall revert to the United States if said Indians and their heirs become extinct, or abandon the same.

ARTICLE II. A district for the Chickasaws is hereby established, bounded as follows, to wit: beginning on the north bank of Red river, at the mouth of Island Bayou, where it empties into Red river,

about twenty-six miles on a straight line, below the mouth of False Wachitta; thence running a northwesterly course along the main channel of said bayou, to the junction of the three prongs of said bayou, nearest the dividing ridge between Wachutta and Low Blue rivers, as laid down on Capt. R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red river; and thence down Red river to the beginning: *Provided, however*, if the line running due north, from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wapannacka academy, within the Chickasaw district, then, an offset shall be made from said line, so as to leave said academy two miles within the Chickasaw district, north, west and south from the lines of boundary.

ARTICLE III. The remainder of the country held in common by the Choctaws and Chickasaws, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

ARTICLE IV. The government and laws now in operation and not incompatible with this instrument, shall be and remain in full force and effect within the limits of the Chickasaw district, until the Chickasaws shall adopt a constitution, and enact laws, superseding, abrogating, or changing the same. And all judicial proceedings within said district, commenced prior to the adoption of a constitution and laws by the Chickasaws, shall be conducted and determined according to existing laws.

ARTICLE V. The members of either the Choctaw or the Chickasaw tribe, shall have the right, freely, to settle within the jurisdiction of the other, and shall thereupon be entitled to all the rights, privileges, and immunities of citizens thereof; but no member or

either tribe shall be entitled to participate in the funds belonging to the other tribe. Citizens of both tribes shall have the right to institute and prosecute suits in the courts of either, under such regulations as may, from time to time, be prescribed by their respective legislatures.

ARTICLE VI. Any person duly charged with a criminal offence against the laws of either the Choctaw or the Chickasaw tribe, and escaping into the jurisdiction of the other, shall be promptly surrendered, upon the demand of the proper authorities of the tribe, within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE VII. So far as may be compatible with the constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction, over persons and property, within their respective limits; excepting, however, all persons with their property, who are not by birth, adoption or otherwise citizens or members of either the Choctaw or Chickasaw tribe; and all persons, not being citizens or members of either tribe, found within their limits shall be considered intruders, and be removed from, and kept out of the same, by the United States agent, assisted if necessary by the military, with the following exceptions, viz: Such individuals as are now, or may be in the employment of the government, and their families; those peacefully travelling, or temporarily sojourning in the country or trading therein, under license from the proper authority of the United States, and such as may be permitted by the Choctaws or Chickasaws, with the assent of the United States agent, to reside within their limits, without becoming citizens or members of either of said tribes.

ARTICLE VIII. In consideration of the foregoing stipulations, and immediately upon the ratification of this convention,

there shall be paid to the Choctaws, in such manner as their national council shall direct, out of the national fund of the Chickasaws held in trust by the United States, the sum of one hundred and fifty thousand dollars.

ARTICLE IX. The Choctaw Indians do hereby absolutely and forever quit-claim and relinquish to the United States all their right, title and interest in, and to any and all lands, west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the government may desire to locate therein; excluding, however, all the Indians of New Mexico, and, also, those whose usual ranges at present, are north of the Arkansas river, and whose permanent locations are north of the Canadian river, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time, be prescribed by the President for their government: *Provided, however,* the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

ARTICLE X. In consideration of the foregoing relinquishment and lease, and, as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of six hundred thousand dollars, and to the Chickasaws the sum of two hundred thousand dollars, in such manner as their general councils shall respectively direct.

ARTICLE XI. The government of the United States, not being prepared to assent to the claim set up under the treaty of September the twenty-seventh,

eighteen hundred and thirty, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the lands ceded by them to the United States, by the treaty of September the twenty-seventh, eighteen hundred and thirty, deducting therefrom the cost of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and if so, what price per acre shall be allowed to the Choctaws to the lands remaining unsold, in order that a final settlement with them may be promptly effected. Or,

Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims national and individual against the United States; and, if so, how much.

ARTICLE XII. In case the Senate shall award to the Choctaws the net proceeds of the lands, ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just—the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund, awarded by the Senate to the Choctaws, as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe, shall on their requisition be paid over to them by the

United States. But should the Senate allow a gross sum, in further and full satisfaction of all their claims, whether national or individual, against the United States, the same shall be accepted by the Choctaws, and they shall thereupon become liable for, and bound to pay, all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final.

ARTICLE XIII. The amounts secured by existing treaty stipulations—viz: permanent annuity of three thousand dollars, under the second article of the treaty of eighteen hundred and five; six hundred dollars per annum for the support of light-horse men under the thirteenth article of the treaty of eighteen hundred and twenty; permanent annuity of six thousand dollars for education, under the second article of the treaty of eighteen hundred and twenty-five; six hundred dollars per annum permanent provision for the support of a blacksmith, under the sixth article of the treaty of eighteen hundred and twenty; and three hundred and twenty dollars permanent provision for iron and steel, under the ninth article of the treaty of eighteen hundred and twenty-five—shall continue to be paid to, or expended for the benefit of, the Choctaws as heretofore; or the same may be applied to such objects of general utility as may, from time to time, be designated by the general council of the tribe, with the approbation of the government of the United States. And the funds now held in trust by the United States for the benefit of the Choctaws under former treaties, or otherwise, shall continue to be so held; together with the sum of five hundred thousand dollars out of the amount payable to them under articles eighth and tenth of this agreement, and also whatever balance shall remain, if any, of the amount that shall be allowed the Choctaws, by the Senate, under the twelfth article hereof, after satisfying the just liabilities of the tribe. The sums so to be held in trust shall con-

stitute a general Choctaw fund, yielding an annual interest of not less than five per centum; no part of which shall be paid out as annuity, but shall be regularly and judiciously applied, under the direction of the general council of the Choctaws, to the support of their government, for purposes of education, and such other objects as may be best calculated to promote and advance the improvement, welfare and happiness of the Choctaw people and their descendants.

ARTICLE XIV. The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries, resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.

ARTICLE XV. The Choctaws and Chickasaws shall promptly apprehend and deliver up all persons accused of any crime or offence against the laws of the United States, or, of any State thereof, who may be found within their limits, on demand of any proper officer of a State, or of the United States.

ARTICLE XVI. All persons licensed by the United States to trade with the Choctaws or Chickasaws, shall be required to pay to the respective tribes a moderate annual compensation for the land and timber used by them; the amount of such compensation, in each case, to be assessed by the proper authorities of said tribe, subject to the approval of the United States agent.

ARTICLE XVII. The United States shall have the right to establish and maintain such military posts, post roads, and Indian agencies, as may be deemed necessary within the Choctaw and Chickasaw country, but no greater quantity of land or timber shall be used for said

purposes, than shall be actually requisite; and if, in the establishment or maintenance of such posts, post roads, and agencies, the property of any Choctaw or Chickasaw shall be taken, injured, or destroyed, just and adequate compensation shall be made by the United States. Only such persons as are, or may be in the employment of the United States, or, subject to the jurisdiction and laws of the Choctaws or Chickasaws, shall be permitted to farm or raise stock within the limits of any of said military posts or Indian agencies. And no offender against the laws of either of said tribes, shall be permitted to take refuge therein.

ARTICLE XVIII. The United States, or any incorporated company, shall have the right of way for railroads, or lines of telegraphs, through the Choctaw and Chickasaw country; but for any property taken or destroyed in the construction thereof, full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct.

ARTICLE XIX. The United States shall, as soon as practicable, cause the eastern and western boundary lines of the tract of country described in the 1st article of this convention, and the western boundary of the Chickasaw district, as herein defined, to be run and permanently marked.

ARTICLE XX. That this convention may conduce as far as possible to the restoration and preservation of kind and friendly feeling among the Choctaws and Chickasaws, a general amnesty of all past offences, committed within their country, is hereby declared.

And in order that their relations to each other and to the United States may hereafter be conducted in a harmonious and satisfactory manner, there shall be but one agent for the two tribes.

ARTICLE XXI. This convention shall supercede and take the place of all former treaties between the United States and the Choctaws, and, also, of all

treaty stipulations between the United States and the Chickasaws, and between the Choctaws and Chickasaws, inconsistent with this agreement, and shall take effect and be obligatory upon the contracting parties, from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes, and by

the President and Senate of the United States.

ARTICLE XXII. It is understood and agreed that the expenses of the respective commissioners of the two tribes, signing these articles of agreement and convention, in coming to, and returning from this city, and while here, shall be paid by the United States.

In testimony whereof, the said George W. Manypenny, commissioner on the part of the United States, and the said commissioners on the part of the Choctaws and of the Chickasaws, have hereunto set their hands and seals.

Done in triplicate at the city of Washington, on this twenty-second day of June, in the year of our Lord one thousand eight hundred and fifty-five.

GEORGE W. MANYPENNY, [L. S.]

United States Commissioner.

P. P. PITCHLYNN, [L. S.]

ISRAEL FOLSOM, [L. S.]

SAMUEL GARLAND, [L. S.]

DICKSON W. LEWIS, [L. S.]

Choctaw Commissioners.

EDMUND PICKENS, his x mark, [L. S.]

SAMPSON FOLSOM, [L. S.]

Chickasaw Commissioners.

Executed in presence of:

A. O. P. NICHOLSON,

JAMES G. BERRETT,

DOUGLAS H. COOPER, *United States Indian Agent*

And whereas the said treaty having been submitted to the general council of the Chickasaw tribe, the general council did, on the third day of October, A. D. one thousand eight hundred and fifty-five, assent to, ratify, and confirm the same, with the following amendment: "Add to the 19th article, By commissioners to be appointed by the contracting parties hereto" by an instrument in writing, in the words and figures following, to wit:

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners, on the part of the Choctaws; and Edmund Pickens, and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, "to wit:" Whereas, the political connexion heretofore existing between the Choctaw and Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas, the United States desire that the Choctaw Indians shall relinquish

all claim to any territory west of the one hundredth degree of west longitude, and also to make provision for the permanent settlement within the Choctaw country of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are of right entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject-matter of their unsettled claims, whether national or individual, against the United States, arising under the various provisions of said treaty, shall be referred to the Senate of the United States for final adjudication and adjustment; and whereas it is necessary, for the simplification and better understanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument; and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting parties from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes of Indians and by the President and Senate of the United States."

Now, therefore, be it known, that the Chickasaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same, as stipulated and required, with the following amendment: "Add to the nineteenth article, "By commissioners to be appointed by the contracting parties hereto."

Done and approved at Tishomingo, in the Chickasaw district of the Choctaw nation, this third day of October, in the year of our Lord, one thousand eight hundred and fifty-five.

Passed the council.

JOEL KEMP, *President*.
D. COLBERT, *F. C.*

Attest: CYRUS HARRIS, *Clerk of the Council*.

And whereas the Chickasaws, in general council assembled, did, on the 13th day of December, A. D. 1855, recede from and rescind the said amendment, and did ratify and confirm the said treaty, and every part thereof, by an instrument in writing, in the words and figures following, to wit:

Whereas the Chickasaws, in general council assembled, after having duly considered the stipulations contained in a certain convention and agreement, made and entered into at the city of Washington, on the 22d day of June, A. D. 1855, between George W. Manypenny, commissioner on the part of the United States; Peter, P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaws, did, on the third day of October, A. D. 1855, at Tishomingo, in the Chickasaw district, Choctaw nation, assent to, ratify, and confirm each and every part of said convention and agreement, with the following amendment, viz: "Add to the 19th article, "By commissioners to be appointed by the contracting parties hereto." And whereas,

said amendment was not duly considered and concurred in by the Choctaws in general council assembled; but said agreement and convention, and every part thereof, was assented to, ratified, and confirmed by said council without amendment. Now, therefore, be it known, that the Chickasaws, in general council assembled, having reconsidered said proposed amendment, do hereby recede from, and rescind the same, hereby assenting to, ratifying, and confirming said agreement and convention, and every part thereof.

Done and approved at the council house at Tishomingo, Chickasaw district, Choctaw nation, this 13th day of December, A. D. 1855.

Approved December 13, 1855.

J. McCOY, *President of the Council.*
DOUGHERTY COLBERT, *F. C.*

Attest: CYRUS HARRIS, *Secretary.*

Signed in presence of—

JACKSON FRAZIER, *Chief Chickasaw district, Choctaw nation.*
DOUGLAS H. COOPER, *U. S. Indian Agent.*

And whereas the said treaty having been submitted to the general council of the Choctaw tribe, the said general council did, on the 16th day of November, A. D. one thousand eight hundred and fifty-five, consent to and ratify the same by an instrument in the words and figures following, to wit:

Whereas articles of agreement and convention were made and concluded on the twenty-second day of June, A. D. one thousand eight hundred and fifty-five, by and between George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dickson W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens, and Sampson Folsom, commissioners on the part of the Chickasaws, at the city of Washington, in the District of Columbia, the preamble whereof is in the words and figures following, viz: "Whereas the political connexion heretofore existing between the Choctaw and the Chickasaw tribes of Indians, has given rise to unhappy and injurious dissensions and controversies among them, which render necessary a readjustment of their relations to each other and to the United States; and whereas, the United States desire that the Choctaw Indians shall relinquish all claim to any territory west of the one hundredth degree of west longitude, and, also, to make provision for the permanent settlement within the Choctaw country, of the Wichita and certain other tribes or bands of Indians, for which purpose the Choctaws and Chickasaws are willing to lease, on reasonable terms, to the United States, that portion of their common territory which is west of the ninety-eighth degree of west longitude; and whereas, the Choctaws contend that, by a just and fair construction of the treaty of September 27, 1830, they are, of right, entitled to the net proceeds of the lands ceded by them to the United States, under said treaty, and have proposed that the question of their right to the same, together with the whole subject matter of their unsettled claims, whether national or individual, against the United States arising under the various provisions of said treaty, shall be referred to the Senate of the United States, for final adjudication and adjustment; and whereas it is necessary, for the simplification and better un-

derstanding of the relations between the United States and the Choctaw Indians, that all their subsisting treaty stipulations be embodied in one comprehensive instrument;" and whereas, in the twenty-first article thereof, it is, among other things, recited that said agreement "shall take effect and be obligatory upon the contracting parties from the date hereof, whenever the same shall be ratified by the respective councils of the Choctaw and Chickasaw tribes and by the President and Senate of the United States."

Now, therefore, be it known, that the Choctaws, in general council assembled, having duly considered said articles of agreement and convention, and each and every clause thereof, and being satisfied therewith, do, upon their part, hereby assent to, ratify, and confirm the same as stipulated and required.

Done and approved at the council-house, at Fort Towson, in the Choctaw nation, this sixteenth day of November, in the year of our Lord one thousand eight hundred and fifty-five.

TANDY WALKER, *President of the Senate.*

KENNEDY M. CURTAIN,

Speaker of the House of Representatives.

Approved :

GEO. W. HARKINS, *Chief of Ahpuck District.*

N. COCHNANER,

Chief of Pushmataha District.

ADAM CHRISTY,

Speaker, and Acting Chief of Moosholatubbee District.

Signed in presence of—

DOUGLAS H. COOPER, *U. S. Indian Agent for Choctaw Tribe.*

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 21st day of February, A. D. one thousand eight hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

February 21, 1856.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Choctaw and Chickasaw tribes of Indians, made and concluded at the city of Washington, the twenty-second day of June, Anno Domini one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner on the part of the United States; Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis, commissioners on the part of the Choctaws; and Edmund Pickens, and Sampson Folsom, commissioners, on the part of the Chickasaws.

Attest :

ASBURY DICKINS,

Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-first day of February, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

***** Done at the city of Washington, this fourth day of March, A. D.
 * L. S. * one thousand eight hundred and fifty-six, and of the independ-
 * * * * * ence of the United States the, eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

TREATY
BETWEEN
THE UNITED STATES

AND THE
CONFEDERATED TRIBES AND BANDS OF INDIANS IN
MIDDLE OREGON.

JUNE 25, 1855. RATIFIED APRIL 18, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Wasco, near the Dalles of the Columbia river, in Oregon Territory, on the twenty-fifth day of June, eighteen hundred and fifty-five, between Joel Palmer, superintendent of Indian affairs for the said territory, on the part of the United States, and the following-named chiefs and headmen of the confederated tribes and bands of Indians residing in Middle Oregon, they being authorized thereto by their respective bands, to wit: Syntustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Tai-h or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-spus or John Day's River band of Walla-Wallas; Mark, William Chenook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of the Wascoes, and Wal-la-chin, chief of the Dog River band of the Wascoes; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Wasco, near the Dalles of the Columbia river, in Oregon Territory, by Joel Palmer, superintendent of Indian affairs, on the part of the United States, and the following named chiefs and headmen of the confederated tribes and bands of Indians, residing in Middle Oregon, they being duly authorized thereto by their respective bands, to wit: Syntustus, Locks-quis-sa, Shick-a-me, and Kuck-up, chiefs of the Taih or Upper De Chutes band of Walla-Wallas; Stocket-ly and Iso, chiefs of the Wyam or Lower De Chutes band of Walla-Wallas; Alexis and Talk-ish, chiefs of the Tenino band of Walla-Wallas; Yise, chief of the Dock-spus or John Day's River band of Walla-Wallas; Mark, William Chinook, and Cush-Kella, chiefs of the Dalles band of the Wascoes; Toh-simph, chief of the Ki-gal-twal-la band of Wascoes; and Wal-la-chin, chief of the Dog River band of Wascoes.

ARTICLE I. The above named confederated bands of Indians cede to the United States all their right, title, and claim to all and every part of the country claimed by them, included in the following boundaries, to wit:

Commencing in the middle of the Columbia river, at the Cascade falls, and running thence southerly to the summit of the Cascade mountains; thence along said summit to the forty-fourth parallel of north latitude; thence east on that parallel to the summit of the Blue mountains, or the western boundary of the Sho-sho-ne or Snake country; thence northerly along that summit to a point due east from the head waters of Willow creek; thence west to the head waters of said creek; thence down said stream to its junction with the Columbia river; and thence down the channel of the Columbia river to the place of beginning. *Provided, however,* that so much of the country described above as is contained in the following boundaries, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, which tract, for the purposes contemplated, shall be held and regarded as an Indian reservation, to wit:

Commencing in the middle of the channel of the De Chutes river, opposite the eastern termination of a range of high lands, usually known as the Mutton mountains; thence westerly to the summit of said range, along the divide to its connexion with the Cascade mountains; thence to the summit of said mountains; thence southerly to Mount Jefferson; thence down the main branch of De Chutes river, heading in this peak, to its junction with De Chutes river; and thence down the middle of the channel of said river to the place of beginning. All of which tract shall be set apart, and, so far as necessary, surveyed and marked out for their exclusive use; nor shall any white persons be permitted to reside upon the same without the concurrent permission of the agent and superintendent.

The said hands and tribes agree to remove to and settle upon the same within one year after the ratification of this treaty, without any additional expense to the United States other than is provided for by this treaty; and, until the expiration of the time specified, the said hands shall be permitted to occupy and reside upon the tracts now possessed by them; guaranteeing to all white citizens the right to enter upon and occupy as settlers any lands not included in said reservation, and not actually enclosed by said Indians: *Provided, however,* That prior to the removal of said Indians to said reservation, and before any improvements contemplated by this treaty shall have been commenced, that if the three principal bands, to wit: the Wascopum, Tiah, or Upper De Chutes, and the Lower De Chutes bands of Walla-Wallas shall express, in council, a desire that some other reservation may be selected for them, that the three hands named may select each three persons of their respective hands, who, with the superintendent of Indian affairs, or agent, as may by him be directed, shall proceed to examine; and if another location can be selected, better suited to the condition and wants of said Indians, that is unoccupied by the whites, and upon which the board of commissioners thus selected may agree, the same shall be declared a reservation for said Indians instead of the tract named in this treaty: *Provided, also,* That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them: *And provided, also,* That if any band or hands of Indians, residing in and claiming any portion or portions of the country in this article, shall not accede to the terms of this treaty, then the bands be-

coming parties hereunto agree to receive such part of the several and other payments herein named as a consideration for the entire country, described as aforesaid, as shall be in the proportion that their aggregate number may have to the whole number of Indians residing in and claiming the entire country aforesaid, as consideration and payment in full for the tracts in said country claimed by them: *And provided, also,* That where substantial improvements have been made by any members of the bands being parties to this treaty, who are compelled to abandon them in consequence of said treaty, the same shall be valued, under the direction of the President of the United States, and payment made therefor; or, in lieu of said payment, improvements of equal extent and value, at their option, shall be made for them on the tracts assigned to each, respectively.

ARTICLE II. In consideration of, and payment for, the country hereby ceded, the United States agree to pay the bands and tribes of Indians claiming territory and residing in said country, the several sums of money following, to wit:

Eight thousand dollars per annum for the first five years, commencing on the first day of September, 1856, or as soon thereafter as practicable.

Six thousand dollars per annum for the term of five years next succeeding the first five.

Four thousand dollars per annum for the term of five years next succeeding the second five; and,

Two thousand dollars per annum for the term of five years next succeeding the third five.

All of which several sums of money shall be expended for the use and benefit of the confederated bands, under the direction of the President of the United States, who may from time to time, at his discretion, determine what proportion thereof shall be expended for such objects as in his judgment will promote their well-being and advance them in civilization; for their moral improvement and education; for building, open-

ing and fencing farms, breaking land, providing teams, stock, agricultural implements, seeds, &c.; for clothing, provisions, and tools; for medical purposes, providing mechanics and farmers, and for arms and ammunition.

ARTICLE III. The United States agree to pay said Indians the additional sum of fifty thousand dollars, a portion whereof shall be applied to the payment for such articles as may be advanced them at the time of signing this treaty, and in providing, after the ratification thereof and prior to their removal, such articles as may be deemed by the President essential to their want; for the erection of buildings on the reservation, fencing and opening farms; for the purchase of teams, farming implements, clothing and provisions, tools, seeds, and for the payment of employees; and for subsisting the Indians the first year after their removal.

ARTICLE IV. In addition to the considerations specified, the United States agree to erect, at suitable points on the reservation, one saw mill and one flouring mill; suitable hospital buildings; one school house; one blacksmith shop, with a tin and a gunsmith shop thereto attached; one wagon and ploughmaker shop; and for one sawyer, one miller, one superintendent of farming operations, a farmer, a physician, a school teacher, a blacksmith, and a wagon and ploughmaker, a dwelling house and the requisite out buildings for each; and to purchase and keep in repair, for the time specified for furnishing employes, all necessary mill fixtures, mechanics' tools, medicines and hospital stores, books and stationery for schools, and furniture for employes.

The United States further engage to secure and pay for the services and subsistence, for the term of fifteen years, of one farmer, one blacksmith and one wagon and ploughmaker; and for the term of twenty years, of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher.

The United States also engage to erect

four dwelling houses, one for the head chief of the confederated bands, and one each for the Upper and Lower De Chutes bands of Walla-Wallas, and for the Wascopum band of Wascoes, and to fence and plough for each of the said chiefs ten acres of land; also to pay the head chief of the confederated bands a salary of five hundred dollars per annum for twenty years, commencing six months after the three principal bands named in this treaty shall have removed to the reservation, or as soon thereafter as a head chief should be elected: *And provided, also*, That at any time, when by the death, resignation, or removal of the chief selected, there shall be a vacancy, and a successor appointed or selected, the salary, the dwelling, and improvements shall be possessed by said successor so long as he shall occupy the position as head chief; so also with reference to the dwellings and improvements provided for by this treaty for the head chiefs of the three principal bands named.

ARTICLE V. The President may, from time to time, at his discretion, cause the whole, or such portion as he may think proper, of the tract that may now or hereafter be set apart as a permanent home for these Indians, to be surveyed into lots and assigned to such Indians of the confederated bands as may wish to enjoy the privilege, and locate thereon permanently. To a single person over twenty-one years of age, forty acres; to a family of two persons, sixty acres; to a family of three and not exceeding five, eighty acres; to a family of six persons and not exceeding ten, one hundred and twenty acres; and to each family over ten in number, twenty acres for each additional three members. And the President may provide such rules and regulations as will secure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvement thereon; and he may, at any time, at his discretion, after such person or family has made location on the land assigned as a permanent home, issue a patent to

such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years, and shall be exempt from levy, sale or forfeiture; which condition shall continue in force until a State constitution, embracing such lands within its limits, shall have been formed, and the legislature of the State shall remove the restrictions: *Provided, however*, That no State legislature shall remove the restrictions herein provided for without the consent of Congress: *And provided, also*, That if any person or family shall, at any time, neglect or refuse to occupy or till a portion of the land assigned and on which they have located, or shall roam from place to place indicating a desire to abandon his home, the President may, if the patent shall have been issued, revoke the same; and if not issued, cancel the assignment; and may also withhold from such person, or family, their portion of the annuities or other money due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of Indians residing on said reservation.

ARTICLE VI. The annuities of the Indians shall not be taken to pay the debts of individuals.

ARTICLE VII. The confederated bands acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredation on the property of said citizens; and should any one or more of the Indians violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities; nor will they make war on any other tribe of Indians except in self-defence, but submit all matters of difference between them and other Indians to the government of the United States,

or its agents, for decision, and abide thereby; and if any of the said Indians commit any depredations on other Indians, the same rule shall prevail as that prescribed in the case of depredations against citizens; said Indians further engage to submit to and observe all laws, rules, and regulations, which may be prescribed by the United States for the government of said Indians.

ARTICLE VIII. In order to prevent the evils of intemperance among said Indians, it is hereby provided, that if any one of them shall drink liquor to excess, or procure it for others to drink, his or her proportion of the annuities may be

withheld from him or her for such time as the President may determine.

ARTICLE IX. The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interest may require it, that all roads, highways, and railroads shall have the right of way through the reservation herein designated, or which may at any time hereafter be set apart as a reservation for said Indians.

This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Joel Palmer, on the part of the United States, and the undersigned, chiefs, headmen, and delegates of the said confederated bands, have hereunto set their hands and seals, this twenty-fifth day of June, eighteen hundred fifty-five.

JOEL PALMER, [L. S.]
Superintendent of Indian Affairs, O. T.

Wasco.

Mark,	his x mark.	[L. S.]
William Chenook,	his x mark.	[L. S.]
Cash Kella,	his x mark.	[L. S.]

Lower De Chutes.

Stock-etley,	his x mark.	[L. S.]
Iso,	his x mark.	[L. S.]

Upper De Chutes.

Simtustus,	his x mark.	[L. S.]
Locksquissa,	his x mark.	[L. S.]
Shick-ame,	his x mark.	[L. S.]
Knuck-up,	his x mark.	[L. S.]

Tenino.

Alexsee,	his x mark.	[L. S.]
Talekish,	his x mark.	[L. S.]

Dog River Wasco.

Walachin,	his x mark.	[L. S.]
Tah Symph,	his x mark.	[L. S.]
Ash-na-chat,	his x mark.	[L. S.]
Che-wot-nleth,	his x mark.	[L. S.]
Te-cho,	his x mark.	[L. S.]
Sha-qually,	his x mark.	[L. S.]
Louis,	his x mark.	[L. S.]

Yise,	his x mark.	[L. s.]
Stamite,	his x mark.	[L. s.]
Ta-cho,	his x mark.	[L. s.]
Penop-teyot,	his x mark.	[L. s.]
Elosh-kish-kic,	his x mark.	[L. s.]
Am. Zelic,	his x mark.	[L. s.]
Ke-chac,	his x mark.	[L. s.]
Tanes Salmon,	his x mark.	[L. s.]
Ta-Kos,	his x mark.	[L. s.]
David,	his x mark.	[L. s.]
Sowal-we,	his x mark.	[L. s.]
Postie,	his x mark.	[L. s.]
Yawan-shewit,	his x mark.	[L. s.]
Own-aps,	his x mark.	[L. s.]
Kossa,	his x mark.	[L. s.]
Pa-wash-ti-mane,	his x mark.	[L. s.]
Ma-we-nit,	his x mark.	[L. s.]
Tipso,	his x mark.	[L. s.]
Jim,	his x mark.	[L. s.]
Peter,	his x mark.	[L. s.]
Na-yoct,	his x mark.	[L. s.]
Wal-tacom,	his x mark.	[L. s.]
Cho-Kalth,	his x mark.	[L. s.]
Pal-sta,	his x mark.	[L. s.]
Mission John,	his x mark.	[L. s.]
Le Ka-ya,	his x mark.	[L. s.]
La-wit-chin,	his x mark.	[L. s.]
Low-las,	his x mark.	[L. s.]
Thomson,	his x mark.	[L. s.]
Charley,	his x mark.	[L. s.]
Copefornia,	his x mark.	[L. s.]
Wa-toi-mettla,	his x mark.	[L. s.]
Ke-la,	his x mark.	[L. s.]
Pa-ow-ne,	his x mark.	[L. s.]
Kuck-up,	his x mark.	[L. s.]
Poyet,	his x mark.	[L. s.]
Ya-wa-clax,	his x mark.	[L. s.]
Tam-cha-wit,	his x mark.	[L. s.]
Tam-mo-yo-cam,	his x mark.	[L. s.]
Was-ca-can,	his x mark.	[L. s.]
Talle Kish,	his x mark.	[L. s.]
Waleme Toach,	his x mark.	[L. s.]
Site-we-loch,	his x mark.	[L. s.]
Ma-ni-nect,	his x mark.	[L. s.]
Pich-Kan,	his x mark.	[L. s.]
Pouh-que,	his x mark.	[L. s.]
Eye-eya,	his x mark.	[L. s.]
Kam-Kus,	his x mark.	[L. s.]
Sim-yo,	his x mark.	[L. s.]
Kas-la-chin,	his x mark.	[L. s.]
Pio-sho-she,	his x mark.	[L. s.]
Mop-pa-man,	his x mark.	[L. s.]
Sho-es,	his x mark.	[L. s.]
Ta-mo-lits,	his x mark.	[L. s.]

Ka-lim,	his x mark.	[L. S.]
Ta-yes,	his x mark.	[L. S.]
Was-en-was,	his x mark.	[L. S.]
E-yath Kloppey,	his x mark.	[L. S.]
Paddy,	his x mark.	[L. S.]
Sto-quin,	his x mark.	[L. S.]
Charley-man,	his x mark.	[L. S.]
Ile-cho,	his x mark.	[L. S.]
Pate-cham,	his x mark.	[L. S.]
Yan-che-woc,	his x mark.	[L. S.]
Ya-toch-la-le,	his x mark.	[L. S.]
Alpy,	his x mark.	[L. S.]
Pich,	his x mark.	[L. S.]
William,	his x mark.	[L. S.]
Peter,	his x mark.	[L. S.]
Ischa ya,	his x mark.	[L. S.]
George,	his x mark.	[L. S.]
Jim,	his x mark.	[L. S.]
Se-ya-las-ka,	his x mark.	[L. S.]
Ha-lai-Kola,	his x mark.	[L. S.]
Pierro,	his x mark.	[L. S.]
Ash-lo-wash,	his x mark.	[L. S.]
Pay-a-tilch,	his x mark.	[L. S.]
Sae-pa-waltcha,	his x mark.	[L. S.]
Shalquilkey,	his x mark.	[L. S.]
Wa-qual-loi,	his x mark.	[L. S.]
Sim-Kui-Kui,	his x mark.	[L. S.]
Wacha-chiley,	his x mark.	[L. S.]
Chi-Kal-Kin,	his x mark.	[L. S.]
Squa-Yash,	his x mark.	[L. S.]
Sha Ka,	his x mark.	[L. S.]
Keau-i-sene,	his x mark.	[L. S.]
Che-chis,	his x mark.	[L. S.]
Sche-noway,	his x mark.	[L. S.]
Scho-ley,	his x mark.	[L. S.]
We-ya-thley,	his x mark.	[L. S.]
Pa-leyathley,	his x mark.	[L. S.]
Keyath,	his x mark.	[L. S.]
I-poth-pal,	his x mark.	[L. S.]
S. Kolps,	his x mark.	[L. S.]
Walimtalín,	his x mark.	[L. S.]
Tash Wick,	his x mark.	[L. S.]
Hawatch-can,	his x mark.	[L. S.]
Ta-wait-cla,	his x mark.	[L. S.]
Patoch Snort,	his x mark.	[L. S.]
Tachins,	his x mark.	[L. S.]
Comochal,	his x mark.	[L. S.]
Passayeí,	his x mark.	[L. S.]
Watan-cha,	his x mark.	[L. S.]
Ta-wash,	his x mark.	[L. S.]
A-nouth-shot,	his x mark.	[L. S.]
Hanwake,	his x mark.	[L. S.]
Pata-la-sct,	his x mark.	[L. S.]

Tash-weict,	his x mark.	[L. S.]
Wescha-matolla, ^a	his x mark.	[L. S.]
Chle-mochle-mo,	his x mark.	[L. S.]
Quae-tus,	his x mark.	[L. S.]
Skuilts,	his x mark.	[L. S.]
Panospam,	his x mark.	[L. S.]
Stolameta,	his x mark.	[L. S.]
Tamayechotote,	his x mark.	[L. S.]
Qua-losh-kin,	his x mark.	[L. S.]
Wiska Ka,	his x mark.	[L. S.]
Che-lo-tha,	his x mark.	[L. S.]
Wetone-yath,	his x mark.	[L. S.]
We-ya-lo-cho-wit,	his x mark.	[L. S.]
Yoka-nolth,	his x mark.	[L. S.]
Wacha-ka-polle,	his x mark.	[L. S.]
Kon-ne,	his x mark.	[L. S.]
Ash-ka-wish,	his x mark.	[L. S.]
Pasquai,	his x mark.	[L. S.]
Wasso-kui,	his x mark.	[L. S.]
Quaino-sath,	his x mark.	[L. S.]
Cha-ya-tema,	his x mark.	[L. S.]
Wa-ya-lo-chol-wit,	his x mark.	[L. S.]
Flitch Kui Kui,	his x mark.	[L. S.]
Walcha Kas,	his x mark.	[L. S.]
Watch-tla,	his x mark.	[L. S.]
Enias,	his x mark.	[L. S.]

Signed in presence of—

WM. C. McKAY, *Secretary of Treaty, O. T.*

R. R. THOMPSON, *Indian Agent.*

R. B. METCALFE, *Indian Sub-Agent.*

C. MESPOITIE.

JOHN FLETT, *Interpreter.*

DOMINICK JONDON, his x mark, *Interpreter.*

MATHEW DOFA, his x mark, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, eighteen hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit :

“IN EXECUTIVE SESSION, SENATE, UNITED STATES,

“March 8, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs and Headmen of confederated tribes and bands of Indians, residing in Middle Oregon, signed the 25th day of June, 1855.

“Attest :

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

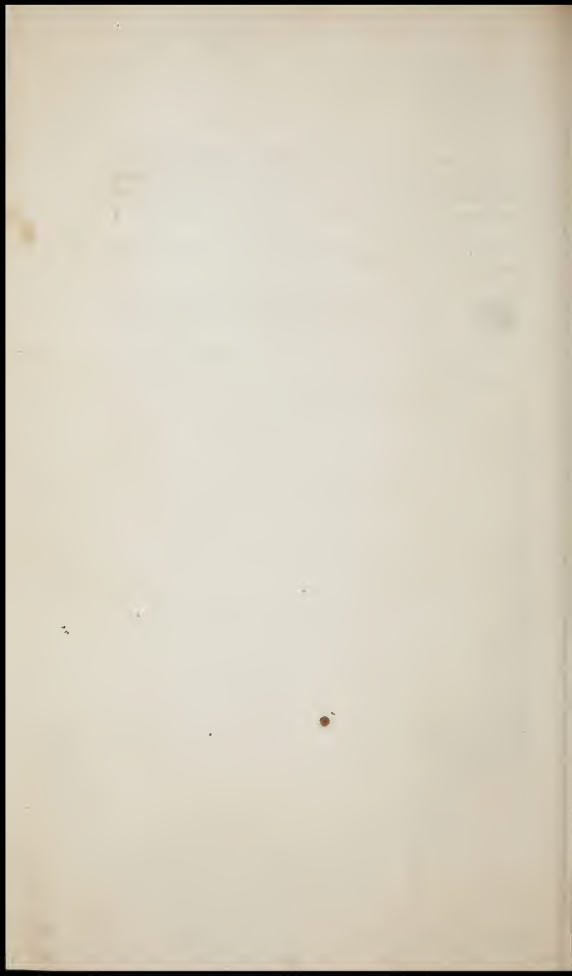


Done at the city of Washington, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CAES, *Secretary of State.*



124

TREATY

BETWEEN

THE UNITED STATES

AND THE

QUI-NAI-ELT AND QUIL-LEH-UTE INDIANS.

JULY 1, 1855, AND JANUARY 25, 1856. RATIFIED MARCH 8, 1859.

CHICAGO
JAN 10 1890



JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded on the Qui-nai-elt river, in the Territory of Washington, on the first day of July, one thousand eight hundred and fifty five, and at the City of Olympia also in said Territory, on the twenty-fifth day of January, one thousand eight hundred and fifty six, between Isaac I. Stevens, governor, and superintendent of Indian affairs in the Territory aforesaid, on the part of the United States, and the hereinafter named chiefs, headmen and delegates of the different tribes and bands of the Qui-nai-elt and Quil-leh-ute Indians, on the part of said tribes and bands, and duly authorized thereto by them; which Treaty is in the words and figures following to wit:

Articles of agreement and convention made and concluded by and between Isaac I. Stevens, governor and superintendent of Indian affairs, of the Territory of Washington, on the part of the United States, and the undersigned chiefs, headmen, and delegates, of the different tribes and bands of Qui-nai-elt and Quil-leh-ute Indians, on the part of said tribes and bands, and duly authorized thereto by them.

ART. I. The said tribes and bands hereby cede, relinquish and convey to the United States all their right, title, and interest in and to the lands and country occupied by them, bounded and described as follows: Commencing at a point on the Pacific coast, which is the southwest corner of the lands lately ceded by the Makah tribe of Indians to the United States, and running easterly with and along the southern boundary of the said Makah tribe to the middle of the coast range of mountains; thence southerly with said range of mountains

to their intersection with the dividing ridge between the Chehalis and Quinaiatl rivers; thence westerly with said ridge to the Pacific coast; thence northerly along said coast to the place of beginning.

ART. II. There shall, however, be reserved for the use, and occupation of the tribes and bands aforesaid a tract or tracts of land sufficient for their wants within the Territory of Washington, to be selected by the President of the United States, and hereafter surveyed or located and set apart for their exclusive use, and

no white man shall be permitted to reside thereon without permission of the tribe and of the superintendent of Indian affairs or Indian agent. And the said tribes and bands agree to remove to and settle upon the same within one year after the ratification of this treaty, or sooner if the means are furnished them. In the meantime it shall be lawful for them to reside upon any lands not in the actual claim and occupation of citizens of the United States, and upon any lands claimed or occupied, if with the permission of the owner or claimant. If necessary for the public convenience, roads may be run through said reservation, on compensation being made for any damage sustained thereby.

ART. III. The right of taking fish at all usual and accustomed grounds and stations is secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing the same; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands; provided, however, that they shall not take shell-fish from any beds staked or cultivated by citizens; and provided, also, that they shall alter all stallions not intended for breeding, and shall keep up and confine the stallions themselves.

ART. VI. In consideration of the above cession, the United States agree to pay to the said tribes and bands the sum of twenty-five thousand dollars, in the following manner, that is to say: For the first year after the ratification hereof, two thousand five hundred dollars; for the next two years, two thousand dollars each year; for the next three years, one thousand six hundred dollars each year; for the next four years, one thousand three hundred dollars each year; for the next five years one thousand dollars each year; and for the next five years, seven hundred dollars each year. All of which sums of money shall be applied to the use and benefit of the said Indians under the direction of the President of the United States, who may, from time to time, determine at his discretion upon

what beneficial objects to expend the same; and the superintendent of Indian affairs, or other proper officer, shall each year inform the President of the wishes of said Indians in respect thereto.

ART. V. To enable the said Indians to remove to and settle upon such reservation as may be selected for them by the President, and to clear, fence, and break up a sufficient quantity of land for cultivation, the United States further agree to pay the sum of two thousand five hundred dollars, to be laid out and expended under the direction of the President, and in such manner as he shall approve.

ART. VI. The President may hereafter, when in his opinion the interests of the Territory shall require, and the welfare of the said Indians be promoted by it, remove them from said reservation or reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands, in which latter case the annuities, payable to the consolidated tribes, respectively, shall also be consolidated; and he may further, at his discretion, cause the whole or any portion of the lands to be reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms, and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indians, and which they shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment made accordingly therefor.

ART. VII. The annuities of the aforesaid tribes and bands shall not be taken to pay the debts of individuals.

ART. VIII. The said tribes and bands

acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations on the property of such citizens; and should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby; and if any of the said Indians commit any depredations on any other Indians within the Territory, the same rule shall prevail as is prescribed in this article in cases of depredations against citizens. And the said tribes and bands agree not to shelter or conceal offenders against the laws of the United States, but to deliver them to the authorities for trial.

ART. IX. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided, that any Indian belonging to said tribes, who is guilty of bringing liquor into said reservations, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine.

ART. X. The United States further agree to establish at the general agency

for the district of Puget Sound, within one year from the ratification hereof, and to support for a period of twenty years an agricultural and industrial school, to be free to the children of the said tribes and bands in common with those of the other tribes of said district, and to provide the said school with a suitable instructor or instructors, and also to provide a smithy and carpenter's shop, and furnish them with the necessary tools, and to employ a blacksmith, carpenter, and farmer for the term of twenty years, to instruct the Indians in their respective occupations. And the United States further agree to employ a physician to reside at the said central agency, who shall furnish medicine and advice to their sick, and shall vaccinate them; the expenses of the said school, shops, employees, and medical attendance to be defrayed by the United States, and not deducted from their annuities.

ART. XI. The said tribes and bands agree to free all slaves now held by them, and not to purchase or acquire others hereafter.

ART. XII. The said tribes and bands finally agree not to trade at Vancouver's Island, or elsewhere out of the dominions of the United States, nor shall foreign Indians be permitted to reside on their reservations without consent of the superintendent or agent.

ART. XIII. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs, and the undersigned chiefs, headmen, and delegates of the aforesaid tribes and bands of Indians, have hereunto set their hands and seals, at Olympia, January 25, 1856, and on the Qui-nai-elt river, July 1, 1855.

ISAAC I. STEVENS,

Governor and Sup't of Indian Affairs.

Tah-ho-lah, head chief Qui-nite-'l tribe,	his x mark.	[L. S.]
How-yat'l, head chief Quil-ley-yute tribe,	his x mark.	[L. S.]
Kal-lape, sub-chief Quil-ley-hutes,	his x mark.	[L. S.]
Tah-ah-ha-wh't'l, sub-chief Quil-ley-hutes,	his x mark.	[L. S.]
Lay-le-whash-er,	his x mark.	[L. S.]

Qui-nai-clt-2

E-mah-lah-cup,	his x mark.	[L. S.]
Ash-chak-a-wick,	his x mark.	[L. S.]
Ay-a-quan,	his x mark.	[L. S.]
Yats-see-o-kop,	his x mark.	[L. S.]
Karts-so-pe-ah,	his x mark.	[L. S.]
Quat-a-de-tot'l,	his x mark.	[L. S.]
Now-ah-ism,	his x mark.	[L. S.]
Cla-kish-ka,	his x mark.	[L. S.]
Kler-way-sr-hun,	his x mark.	[L. S.]
Quar-ter-heit'l,	his x mark.	[L. S.]
Hay-nee-si-oos,	his x mark.	[L. S.]
Hoo-e-yas'lsee,	his x mark.	[L. S.]
Quilt-le-se-mah,	his x mark.	[L. S.]
Qua-lats-kaim,	his x mark.	[L. S.]
Yah-le-hum,	his x mark.	[L. S.]
Je-tah-let-shin,	his x mark.	[L. S.]
Ma-ta-a-ha,	his x mark.	[L. S.]
Wah-kee-nah, sub-chief Qui-nite'l tribe,	his x mark.	[L. S.]
Yer-ay-let'l, sub-chief,	his x mark.	[L. S.]
Silley-mark'l,	his x mark.	[L. S.]
Cher-lark-tin,	his x mark.	[L. S.]
How-yat'l,	his x mark.	[L. S.]
Kne-she-guartoh, sub-chief,	his x mark.	[L. S.]
Klay-sumetz,	his x mark.	[L. S.]
Kape,	his x mark.	[L. S.]
Hay-et-lite'l, or John,	his x mark.	[L. S.]

Executed in the presence of us; the words "or tracts," in the II article, and "next," in the IV article, being interlined prior to execution:

M. T. SIMMONS, *Special Indian Agent.*

H. A. GOLDSBOROUGH, *Commissary, &c.*

B. F. SHAW, *Interpreter.*

JAMES TILTON, *Surveyor General Washington Territory.*

F. KENNEDY.

J. Y. MILLER.

H. D. COCK.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE, UNITED STATES,

"March 8, 1859.

"Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs, Headmen and Delegates of the different tribes and bands of the Quinai-elt and Quil-leh-ute Indians in Washington Territory signed 1st day of July 1855 and 25th day of January, 1856.

"Attest:

"ASBURY DICKINS, *Secretary.*"

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of March the eighth, one thousand eight hundred and fifty-nine, accept, ratify and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

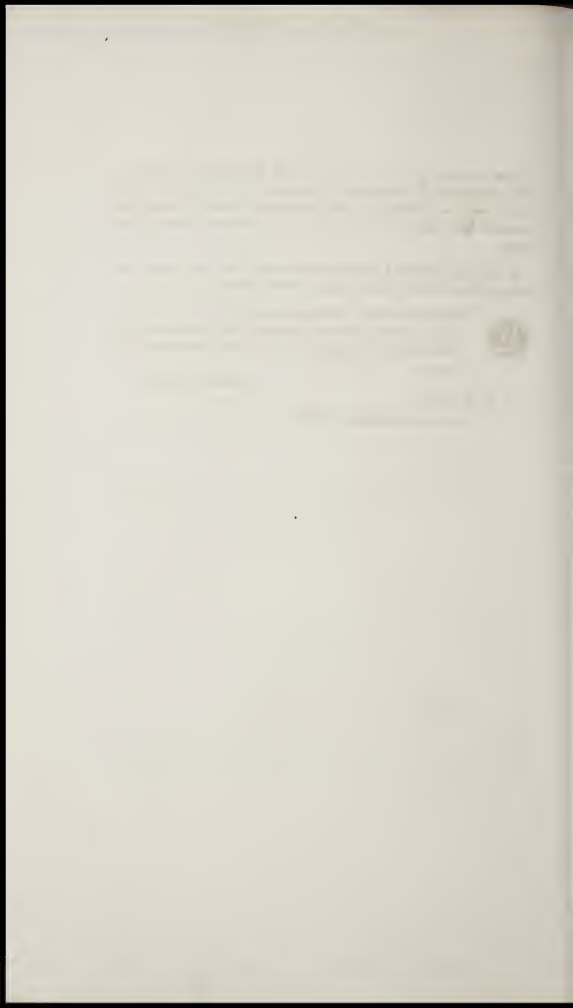


Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*



620 156
185

TREATY

BETWEEN

THE UNITED STATES

AND THE

CHIPPEWA INDIANS.

AUGUST 2, 1855.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Detroit, in the State of Michigan, the second day of August, eighteen hundred and fifty-five, by George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Sault Ste. Marie, which treaty is in the words and figures following, to wit:

Articles of agreement made and concluded at the city of Detroit, in the State of Michigan, the second day of August, 1855, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Sault Ste. Marie.

ARTICLE I.

The said Chippewa Indians surrender to the United States the right of fishing at the falls of St. Mary's, and of encampment, convenient to the fishing ground, secured to them by the treaty of June 16, 1820.

ARTICLE II.

The United States will appoint a commissioner who shall, within six months after the ratification of this treaty, personally visit and examine the said fishery and place of encampment, and determine the value of the interest of the Indians therein as the same originally existed. His award shall be reported to the President, and shall be final and conclusive, and the amount awarded shall be paid to said Indians, as annuities are paid, and shall be received by them in full satisfaction for the right hereby surrendered: *Provided*, That one-third of said award shall, if the Indians desire it,

be paid to such of their half-breed relations as they may indicate.

ARTICLE III.

The United States also give to the chief, O-shaw-waw-no, for his own use, in fee simple, a small island in the river St. Mary's, adjacent to the camping ground hereby surrendered, being the same island on which he is now encamped, and said to contain less than half an acre.

Provided, that the same has not been heretofore otherwise appropriated or disposed of; and in such case, this grant is to be void, and no compensation is to be claimed by said chief or any of the Indians, parties hereto, in lieu thereof.

ARTICLE IV.

This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewa Indians of Sault Ste. Marie, have hereto set their hands and seals at the city of Detroit the day and year first above written.

GEO. W. MANYPENNY, [L. S.]
HENRY C. GILBERT, [L. S.]
Commissioners.

RICHARD M. SMITH, *Secretary.*

O-shaw-waw-no, chief,	his x mark.	[L. S.]
Waw-bo-jieg, chief,	his x mark.	[L. S.]
Kay-bay-no-din, chief,	his x mark.	[L. S.]
O-maw-no-maw-ne, chief,	his x mark.	[L. S.]
Shaw-wan, chief,	his x mark.	[L. S.]
Pi-aw-be-daw-sung, chief,	his x mark.	[L. S.]
Waw-we-gun, headman,	his x mark.	[L. S.]
Pay-ne-gwon, headman,	his x mark.	[L. S.]
Taw-meece, headman,	his x mark.	[L. S.]
Bwan, headman,	his x mark.	[L. S.]
Saw-gaw-jew, headman,	his x mark.	[L. S.]
Naw-we-gc-zhick, headman,	his x mark.	[L. S.]

Executed in the presence of—

J. LOGAN CHIPMAN,
GEORGE SMITH,
W. H. COLLINS,
JNO. M. JOHNSTON, } *Interpreters.*
GEO. JOHNSTON,

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 15th day of April, A. D. eighteen hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION.

SENATE OF THE UNITED STATES, April 15, 1856.

Resolved, (two-thirds of the Senators present concurring,) that the Senate advise and consent to the ratification of the treaty made and concluded with the Chippewas of Sault Ste. Marie, on the second day of August, eighteen hundred and fifty-five.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, FRANKLIN PIERCE, President of the United States of America, do in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, eighteen hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington this twenty-fourth day of April, A. D.
[L. S.] eighteen hundred and fifty-six, and of the independence of the
United States, the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*



136

TREATY

BETWEEN

THE UNITED STATES

AND THE

CHIPPEWA TRIBES OF INDIANS.

MADE AT THE CITY OF DETROIT, AUGUST 2, 1855.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at the city of Detroit, in the State of Michigan, on the second day of August, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Saginaw, parties to the treaty of January 14th, 1837, and that portion of the bands of Chippewa Indians of Swan creek and Black river, parties to the treaty of May 9, 1836, and now remaining in the State of Michigan, which treaty is in the words and figures following, to wit:

Articles of agreement and convention, made and concluded at the city of Detroit, in the State of Michigan, this second day of August, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Chippewa Indians of Saginaw, parties to the treaty of January 14, 1837, and that portion of the bands of Chippewa Indians of Swan Creek and Black River, parties to the treaty of May 9, 1836, and now remaining in the State of Michigan.

In view of the existing condition of the Indians aforesaid, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as follows, viz:

ARTICLE 1. The United States will withdraw from sale, for the benefit of said Indians, as herein provided, all the unsold public lands within the State of Michigan embraced in the following descriptions, viz:

First. Six adjoining townships of land in the county of Isabella, to be selected by said Indians within three months from this date, and notice thereof given to their agent.

Second. A tract of land in one body, equal in extent to two townships, on the north side of Saginaw bay, to be selected by them, and notice given as above provided.

The United States will give to each of the said Indians, being the head of a family, eighty acres of land; and to each single person over twenty-one years of age, forty acres of land; and to each family of orphan children under twenty-one years of age, containing two or more persons eighty acres of land; and to each single orphan child under twenty-one years of age, forty acres of land; to be selected and located within the several

tracts of land hereinbefore described, under the same rules and regulations, in every respect, as are provided by the agreement concluded on the 31st day of July, A. D. 1855, with the Ottawas and Chippewas of Michigan, for the selection of their lands.

And the said Chippewas of Saginaw, and of Swan Creek and Black River, shall have the same exclusive right to enter lands within the tracts withdrawn from sale for them for five years after the time limited for selecting the lands to which they are individually entitled, as is extended to the Ottawas and Chippewas by the terms of said agreement.

And the provisions therein contained relative to the purchase and sale of land for school houses, churches, and educational purposes, shall also apply to this agreement.

ARTICLE II. The United States will also pay to the said Indians the sum of two hundred and twenty thousand dollars, in manner following, to wit:

First. Thirty thousand dollars for educational purposes, to be paid in five equal annual instalments of four thousand dollars each, and in five subsequent equal annual instalments of two thousand dollars each, to be expended under the direction of the President of the United States.

Second. Forty thousand dollars, in five equal annual instalments of five thousand dollars each, and in five subsequent equal annual instalments of three thousand dollars each, in agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and all such articles as may be necessary and useful for them in removing to the homes herein provided, and getting permanently settled thereon.

Third. One hundred and thirty-seven thousand and six hundred dollars in coin, in ten equal annual instalments of ten thousand dollars each, and in two subsequent equal annual instalments of eighteen thousand and eight hundred dollars each, to be distributed per capita in the usual manner for paying annuities.

Fourth. Twelve thousand and four hundred dollars for the support of one blacksmith shop for ten years.

The United States will also build a grist and saw mill for said Indians at some point in the territory, to be selected by them in said county of Isabella, provided, a suitable water power can be found, and will furnish and equip the same with all necessary fixtures and machinery, and will construct such dam, race, and other appurtenances as may be necessary to render the water power available: provided that the whole amount for which the United States shall be liable under this provision, shall not exceed the sum of eight thousand dollars.

ARTICLE III. The said Chippewas of Saginaw, and of Swan Creek and Black River, hereby cede to the United States all the lands within the State of Michigan heretofore owned by them as reservations, and whether held for them in trust by the United States or otherwise; and they do hereby, jointly and severally, release and discharge the United States from all liability to them, and to their, or either of their said tribes, for the price and value of all such lands, heretofore sold and the proceeds of which remain unpaid.

And they also hereby surrender all their, and each of their permanent annuities, secured to them, or either of them by former treaty stipulations, including that portion of the annuity of eight hundred dollars payable to "the Chippewas," by the treaty of November 17, 1807, to which they are entitled, it being distinctly understood and agreed, that the grants and payments herein before provided for, are in lieu and satisfaction of all claims legal and equitable on the part of said Indians, jointly and severally, against the United States for land, money, or other thing, guaranteed to said tribes, or either of them, by the stipulations of any former treaty or treaties.

ARTICLE IV. The entries of land heretofore made by Indians and by the

Missionary Society of the Methodist Episcopal Church for the benefit of the Indians, on lands withdrawn from sale in township 14 north, range 5 east, and 10 north, range 5 east, in the State of Michigan, are hereby confirmed, and patents shall be issued therefor as in other cases.

ARTICLE V. The United States will provide an interpreter for said Indians for five years, and as much longer as the President may deem necessary.

In testimony whereof, the said George W. Manypenny and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned, chiefs and headmen of the Chippewas of Saginaw, and of Swan Creek and Black River, have hereto set their hands and seals at the city of Detroit the day and year first above written.

GEO. W. MANYPENNY, [L. S.]
HENRY C. GILBERT, [L. S.]

Commissioners

RICHARD M. SMITH,
J. LOGAN CHIPMAN,
Secretaries.

SAGINAW BANDS.

Ot-taw-ance, chief,	his x mark.	[L. S.]
O-saw-waw-bun, chief,	his x mark.	[L. S.]
Nanck-che-gaw-me, chief,	his x mark.	[L. S.]
Kaw-gay-ge-zhick, chief,	his x mark.	[L. S.]
Shaw-shaw-way-nay-beece, chief,	his x mark.	[L. L.]
Pe-nay-se-way-bc, chief,	his x mark.	[L. S.]
Naw-we-ge-zhick, chief,	his x mark.	[L. S.]
Saw-gaw-che-way-o-say, chief,	his x mark.	[L. S.]
Naw-taw-way, chief,	his x mark.	[L. S.]
Wain-ge-ge-zhick, chief,	his x mark.	[L. S.]
Caw-we-squaw-bay-no-kay, chief,	his x mark.	[L. S.]
Pe-tway-we-tum, headman,	his x mark.	[L. S.]
Kay-bay-guo-um, headman,	his x mark.	[L. S.]
Pay-baw-maw-she, headman,	his x mark.	[L. S.]
Aw-be-taw-quot, headman,	his x mark.	[L. S.]
Aish-quay-go-nay-be, headman,	his x mark.	[L. S.]
Pay-me-saw-aw, headman,	his x mark.	[L. S.]
Aw-taw-we-go-nay-be, headman,	his x mark.	[L. S.]
Pay-she-nin-ne, headman,	his x mark.	[L. S.]

SWAN CREEK AND BLACK RIVER BAND.

Pay-me-quo-ung, chief,	his x mark.	[L. S.]
Nay-ge-zhick, headman,	his x mark.	[L. S.]
Maw-che-che-won, headman,	his x mark.	[L. S.]

Executed in the presence of—

G. D. WILLIAMS,	
GEORGE SMITH,	
W. H. COLLINS,	
MANASSEH HICKEY,	
P. O. JOHNSON,	
JOSEPH F. MARSAI,	
JNO. M. D. JOHNSON,	} <i>Interpreters.</i>
CHAS. H. RODD,	
L. M. MORAN,	

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, one thousand eight hundred and fifty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 15th, 1856.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty, made with the Chippewas of Saginaw, Swan Creek and Black River on the second day of August, eighteen hundred and fifty-five, with the following

AMENDMENTS:

ARTICLE I. Strike out the words "A tract of land in one body, equal in extent to two townships on the north side of Saginaw Bay, to be selected by them, and notice given, as above provided," and insert, in lieu thereof, the words "townships Nos. 17 and 18, north ranges 3, 4, and 5, east."

SAME ARTICLE. Insert, after the word "entitled," last clause but one, the following, "and the same right to sell and dispose of land entered by them, under the provisions of the act of Congress, known as the Graduation Act."

ARTICLE II. Add thereto the following paragraphs: "The United States will also pay the further sum of four thousand dollars for the purpose of purchasing a saw mill, and in repair of the same, and in adding thereto the necessary machinery and fixtures for a run of stone for grinding grain—the same to be located on the tract described in clause "second," Article I."

"The United States will also pay the further sum of twenty-thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Indians; provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior within six months, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justice of the claims as he shall deem suitable and proper. And no claim shall be paid except on the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary, or, whose claim having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; And, provided, also, that no portion of the money

due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided, that the balance of the amount herein allowed as a just increase for the sessions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Indians, or expended for their benefit in such manner as the Secretary shall prescribe, in aid of any of the objects specified in this treaty.

Attest:

ASBURY DICKINS,
Secretary.

We the undersigned chiefs and headmen of the Chippewas of Saginaw and of the Chippewas of the Swan Creek and Black River having heard the foregoing amendments read and the same having been fully explained to us by our agent, do hereby agree to and ratify the same.

Done at Saginaw this 14th day of May A. D. 1856.

Nanck-cho-gaw-me,	his x mark.	[L. s.]
O-saw-waw-bun,	his x mark.	[L. s.]
Shaw-way-naw-segay,	his x mark.	[L. s.]
Way-shaw-wan-no,	his x mark.	[L. s.]
Naw-ne-ge-zhick,	his x mark.	[L. s.]
Shaw-shaw-way-nay-becce,	his x mark.	[L. s.]
Saw-gaw-che-way-o-say,	his x mark.	[L. s.]
Caw-gay-ge-zhick,	his x mark.	[L. s.]
Ot-law-ance,	his x mark.	[L. s.]
Pe-nay so-way-be,	his x mark.	[L. s.]
Ah-co-gin,	his x mark.	[L. s.]
Pay-me-quo-ung,	his x mark.	[L. s.]
Naw-gaw-ne,	his x mark.	[L. s.]
Nay-ge-zhick,	his x mark.	[L. s.]
Wain-ge-ge-zhick,	his x mark.	[L. s.]
Kaw-me-gwaw-te-no-kay,	his x mark.	[L. s.]
Naw-taw-way,	his x mark.	[L. s.]

Signed in presence of—

HENRY C. GILBERT, *Indian Agent.*
CHAS. H. RODD, *Interpreter.*
SAMUEL KIRKLAND, *Interpreter.*
P. O. JOHNSON.
P. MARKSMAN, *Interpreter.*
G. D. WILLIAMS.
H. B. ADAMS.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-first day of June, A. D.
[L. S.] one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

137

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

MOLEL INDIANS.

DECEMBER 21, 1855. RATIFIED APRIL 27, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded, at Dayton, in Oregon, on the twenty-first day of December, one thousand eight hundred and fifty-five, between Joel Palmer, Superintendent of Indian Affairs for the Territory of Oregon, on the part of the United States, and the hereinafter-named Chiefs and Headmen of the Mo-lal-la-las, or Molel tribe of Indians, on behalf of and duly authorized by the said tribe, which treaty is in the words and figures following, to wit:

Articles of convention and agreement entered into this 21st day of December, 1855, between Joel Palmer, superintendent of Indian affairs, acting for and in behalf of the United States, and the chiefs and headmen of the Mo-lal-la-las, or Molel tribe of Indians, they being authorized by their respective hands in council assembled.

ARTICLE I. The above named tribe of Indians hereby cede to the United States all their right, title, interest and claim to all that part of Oregon Territory situated and bounded as hereinafter described, the same being claimed by them, to wit: Beginning at Scott's Peak, being the northeastern termination of the purchase made of the Umpqua and Calapooias of Umpqua valley on the 29th day of November, 1854; thence running southerly on the eastern boundary line of that purchase and the purchase of the Cow Creeks, on the 19th day of September, 1853, and the tract purchased of the Scotens, Chastas and Grave Creeks, on the 19th day of November, 1854, to the boundary of the Rogue river purchase made on the 10th day of September, 1853; thence along the northern boundary of that purchase to the summit of the Cascade mountains; thence northerly along the summit of said mountains to a point due east of

Scott's Peake; thence west to the place of beginning.

ARTICLE II. In consideration of the cession and relinquishment herein made, the United States agree to make the following provisions for said Indians and pay the sums of money as follows:

1. To secure to the members of said tribe all the rights and privileges guaranteed by treaty to the Umpqua and Calapooias, of the Umpqua valley, jointly with said tribes, they hereby agreeing to confederate with those hands.

2. To erect and keep in repair and furnish suitable persons to attend the same for the term of ten years, the benefits of which to be shared alike by all the bands confederated, one flouring mill and one saw mill.

3. To furnish iron, steel, and other materials for supplying the smith's shop and tin shop stipulated in the treaty of November 29, 1854, and pay for the services of the necessary me-

chanics for that service for five years in addition to the time specified by that treaty.

4. To establish a manual labor school, employ and pay teachers, furnish all necessary materials and subsistence for pupils, of sufficient capacity to accommodate all the children belonging to said confederated bands of suitable age and condition to attend said school.

5. To employ and pay for the services of a carpenter and joiner for the term of ten years to aid in erecting buildings and making furniture for said Indians, and to furnish tools for use in said service.

6. To employ and pay for the services of an additional farmer for the term of five years.

ARTICLE III. In consequence of the existence of hostilities between the whites and a portion of the Indian tribes in southern Oregon and northern California, and the proximity of the Umpqua reservation to the mining district, and the consequent fluctuating and transient population, and the frequent commission by whites and Indians of petty offences, calculated to disturb the peace and harmony of the settlement, it is hereby agreed, the Umpquas and Calapooias agreeing, that the bands thus confederated shall immediately remove to a tract of land selected on the headwaters of the Yamhill river adjoining the coast reservation, thereon to remain until the proper improvements are made upon that reservation for the accommodation of said confederate bands, in accordance with the provisions of this and the treaty of the 29th November, 1854, and when so made, to remove to said coast reservation, or such other point as may, by direction of the President of the United

States, be designated for the permanent residence of said Indians.

ARTICLE IV. For the purpose of carrying out in good faith the objects expressed in the preceding article, it is hereby agreed on the part of the United States, that the entire expense attending the removal of the bands named, including transportation and subsistence, and the erection of temporary buildings at the encampment designated, as well as medical attendance on the sick, shall be paid by the United States.

ARTICLE V. It is further agreed that rations, according to the army regulations, shall be furnished the members of the said confederated bands, and distributed to the heads of families, from the time of their arrival at the encampment on the headwaters of Yamhill river until six months after their arrival at the point selected as their permanent residence.

ARTICLE VI. For the purpose of ensuring the means of subsistence for said Indians, the United States engage to appropriate the sum of twelve thousand dollars for the extinguishment of title and the payment of improvements made thereon by white settlers to lands in the Grand Round valley, the point of encampment referred to, to be used as wheat farms, or other purposes, for the benefit of said Indians, and for the erection of buildings upon the reservation, opening farms, purchasing of teams, tools and stock; the expenditure of which amounts, and the direction of all the provisions of this convention, shall be in accordance with the spirit and meaning of the treaty of 29th November, 1854, with the Umpqua and Calapooia tribes aforesaid.

In witness whereof, we, the several parties, hereto set our hands and seals, the day and date before written.

JOEL PALMER, [L. s.]
Superintendent Indian Affairs.

Steencogy,	his x mark.	[L. s.]
Lattchie,	his x mark.	[L. s.]
Dugings,	his x mark.	[L. s.]
Counisnase,	his x mark.	[L. s.]

Done in presence of the undersigned witnesses—

C. M. WALKER.

T. R. MAGRUDER.

JOHN FLETT, *Interpreter.*

We, the chiefs and headmen of the Umpqua and Calapooia tribes, treated with in the Umpqua valley, on the 29th day of November, 1854, referred to in the foregoing treaty, to the provisions of this treaty, this day in convention accede to all the terms therein expressed.

In witness whereof, we do severally hereto set our names and seals, the day and date written in the foregoing treaty.

Louis La Pe Cinque,	his x mark.	[L. S.]
Peter,	his x mark.	[L. S.]
Tom,	his x mark.	[L. S.]
Billy,	his x mark.	[L. S.]
Nessick,	his x mark.	[L. S.]
George,	his x mark.	[L. S.]
Bogus,	his x mark.	[L. S.]
Cars,	his x mark.	[L. S.]

Done in presence of the undersigned witnesses—

C. M. WALKER,
T. R. MAGRUDER,
JOHN FLETT, *Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by the following resolution :

“IN EXECUTIVE SESSION, SENATE UNITED STATES,
“March 8, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Chiefs and Headmen of the Mo-lal-la-las or Molel tribe of Indians, signed 21st December, 1855.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in their resolution of the eighth of March, eighteen hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this twenty-seventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*



138

TREATY

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

STOCKBRIDGE AND MUNSEE INDIANS.

FEBRUARY 5, 1856.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Muncie tribes of Indians, assembled in general council, and such of the Munsees as were included in the treaty of September third, eighteen hundred and thirty-nine, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Willson, which treaty is in the words and figures following, to wit :

Whereas by Senate amendment to the treaty with the Menomonees of February eight one thousand eight hundred and thirty-one two townships of land on the east side of Winnebago lake, Territory of Wisconsin, were set aside for the use of the Stockbridge and Muncie tribes of Indians, all formerly of the State of New York, but a part of whom had already removed to Wisconsin ; and

Whereas said Indians took possession of said lands, but dissensions existing among them led to the treaty of September third, one thousand eight hundred and thirty-nine, by which the east half of said two townships was retroceded to the United States, and in conformity to which a part of said Stockbridges and Munsees emigrated west of the Mississippi ; and

Whereas to relieve them from dissensions still existing by " An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third one thousand eight hundred and forty-three, it was provided, that the remaining townships

of land should be divided into lots and allotted between the individual members of said tribe ; and

Whereas a part of said tribe refused to be governed by the provisions of said Act, and a subsequent Act was passed on the sixth day of August, one thousand eight hundred and forty-six, repealing the aforementioned Act, but without making provision for bona fide purchasers of lots in the townships subdivided in conformity to the said first named Act ; and

Whereas it was found impracticable to carry into effect the provisions of the last mentioned Act, and to remedy all difficulties, a treaty was entered into on the twenty-fourth of November one thousand eight hundred and forty-eight, wherein among other provisions, the tribe obligated itself to remove to the country west of the Mississippi set apart for them by the amendment to said treaty ; and

Whereas dissensions have yet been constantly existing amongst them, and

many of the tribe refused to remove, when they were offered a location in Minnesota, and applied for a retrocession to them of the township of Stockbridge, which has been refused by the United States; and

Whereas a majority of the said tribe of Stockbridges and the Munsees are averse to removing to Minnesota and prefer a new location in Wisconsin, and are desirous soon to remove and to resume agricultural pursuits, and gradually to prepare for citizenship, and a number of other members of the said tribe desire at the present time to sever their tribal relations and to receive patents for the lots of land at Stockbridge now occupied by them; and

Whereas the United States are willing to exercise the same liberal policy as heretofore, and for the purpose of relieving these Indians from the complicated difficulties, by which they are surrounded, and to establish comfortably together all such Stockbridges and Munsees—wherever they may be now located, in Wisconsin, in the State of New York, or west of the Mississippi—as were included in the treaty of September third one thousand eight hundred and thirty-nine, and desire to remain for the present under the paternal care of the United States government; and for the purpose of enabling such individuals of said tribes as are now qualified and desirous to manage their own affairs, to exercise the rights and to perform the duties of the citizen, these articles of agreement have been entered into:

Articles of agreement and convention made and concluded at Stockbridge in the State of Wisconsin on the fifth day of February, in the year of our Lord one thousand eight hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians assembled in general council, and such of the Munsees who were included in the treaty of September third, one thousand eight hundred and thirty-nine, but are yet residing in the State of

New York, by their duly authorized delegates, William Mohawk and Joshua Willson.

ARTICLE I. The Stockbridge and Munsee tribes, who were included in the treaty of September third, one thousand eight hundred and thirty-nine, and all the individual members of said tribes, hereby jointly and severally cede and relinquish to the United States all their remaining right and title in the lands at the town of Stockbridge, State of Wisconsin, the seventy-two sections of land in Minnesota set aside for them by the amendment to the treaty of November twenty-fourth one thousand eight hundred and forty-eight, the twenty thousand dollars stipulated to be paid to them by the said amendment, the sixteen thousand five hundred dollars invested by the United States in stocks for the benefit of the Stockbridge tribe in conformity to article IX of the said treaty, and all claims set up by and for the Stockbridge and Munsee tribes, or by and for the Munsees separately, or by and for any individuals of the Stockbridge tribe, who claim to have been deprived of annuities since the year one thousand eight hundred and forty three, and all such and other claims set up by or for them or any of them are hereby abrogated, and the United States released and discharged therefrom.

ARTICLE II. In consideration of such cession and relinquishment by said Stockbridges and Munsees the United States agree to select as soon as practicable, and to give them a tract of land in the State of Wisconsin, near the southern boundary of the Menomonee reservation, of sufficient extent to provide for each head of a family and others lots of land of eighty and forty acres as hereinafter provided; every such lot to contain at least one-half of arable land, and to pay to be expended for improvements for the said Stockbridges and Munsees, as provided in Article IV, the sum of forty-one thousand one hundred dollars, and a further sum of twenty thousand five hundred and fifty dollars to enable them to remove.

ARTICLE III. As soon as practicable

after the selection of the lands set aside for these Indians by the preceding Article, the United States shall cause the same to be surveyed into sections, half and quarter sections, to correspond with the public surveys, and the council of the Stockbridges and Munsees shall under the direction of the superintendent of Indian Affairs for the northern superintendency, make a fair and just allotment among the individuals and families of their tribes. Each head of a family shall be entitled to eighty acres of land, and in case his or her family consists of more than four members, if thought expedient by the said council, eighty acres more may be allotted to him or her; each single male person above eighteen years of age shall be entitled to eighty acres; and each female person above eighteen years of age, not belonging to any family, and each orphan child, to forty acres; and sufficient land shall be reserved for the rising generation.

After the said allotment is made, the persons entitled to land may take immediate possession thereof, and the United States will thenceforth and until the issuing of the patents, as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land; but such certificates shall not be assignable, and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein. After the expiration of ten years upon the application of the holder of such certificate, made with the consent of the said Stockbridge and Munsee council, and when it shall appear prudent and for his or her welfare, the President of the United States may direct, that such restriction on the power of sale shall be withdrawn and a patent issued in the usual form.

Should any of the heads of families die before the issuing of the certificates or patents, herein provided for, the same shall issue to their heirs; and if the holder of any such certificate shall die without heirs, his or her land shall not

revert to the United States, unless on petition of the Stockbridge and Munsee council for the issuing of a new certificate for the land of such deceased person, to the holder of any other certificate for land, and on the surrendering to the United States of such other certificate, by the holder thereof, the President shall direct the issuing of a new certificate for such land; and in like manner new certificates may be given for lots of land, the prior certificates for which have been surrendered by the holders thereof.

ARTICLE IV. Of the monies set aside for improvements by the aid of these Articles, not exceeding one-fourth shall be applied to the building of roads leading to, and through said lands; to the erection of a school house, and such other improvements of a public character, as will be deemed necessary by the said Stockbridge and Munsee council, and approved by the superintendent of the northern superintendency. The residue of the said fund shall be expended for improvements to be made by and for the different members and families composing the said tribes, according to a system to be adopted by the said council, under the direction of the Superintendent aforesaid, and to be first approved by the Commissioner of Indian Affairs.

ARTICLE V. The persons to be included in the apportionment of the land and money to be divided and expended under the provisions of this agreement, shall be such only, as are actual members of the said Stockbridge and Munsee tribes, (a roll or census of whom shall be taken and appended to this agreement,) their heirs, and legal representatives; and hereafter, the adoption of any individual amongst them shall be null and void, except it be first approved by the Commissioner of Indian Affairs.

ARTICLE VI. In case the United States desire to locate on the tract of land to be selected as herein provided the Stockbridges and Munsees emigrated to the west of the Mississippi in conformity to the treaty of September third, one thousand eight hundred and thirty-nine, the Stockbridges and Munsees, parties to

this treaty, agree to receive them as brethren: *Provided*, That none of the said Stockbridges and Munsees, whether now residing at Stockbridge, in the State of Wisconsin, in the State of New York, or west of the Mississippi, shall be entitled to any of these lands or the money stipulated to be expended by these Articles, unless they remove to the new location within two years from the ratification hereof.

ARTICLE VII. The said Stockbridges and Munsees hereby set aside for educational purposes exclusively their portion of the annuities under the treaties of November eleventh, one thousand seven hundred and ninety-four; August eleventh, one thousand eight hundred and twenty-seven; and September third, one thousand eight hundred and thirty-nine.

ARTICLE VIII. One hundred and fifty dollars valuation of the school house at Stockbridge made in conformity to Article VI of the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, and remaining unpaid, shall be expended in the erection of a school house, with the other funds set aside for the same purpose by Article IV of this agreement.

ARTICLE IX. About seven and two-fifths acres bounded as follows: Beginning at the northeast corner of lot eighty-nine, in the centre of the military road; thence west, along the north line of said lot, fifty-four and a quarter rods; thence south thirty-eight and a quarter rods; thence east twenty-eight and a quarter rods; thence north thirty-four and a quarter rods; thence east twenty-six rods; thence north four rods to the place of beginning, comprising the ground heretofore used by the Stockbridges to bury their dead, shall be patented to the supervisors of the town of Stockbridge, to be held by them and their successors in trust for the inhabitants of said town, to be used by them as a cemetery, and the proceeds from cemetery lots and burial places to be applied in fencing, clearing, and embellishing the grounds.

ARTICLE X. It is agreed that all roads and highways, laid out by authority of

law, shall have right of way through the lands set aside for said Indians, on the same terms as are provided by law for their location through lands of citizens of the United States.

ARTICLE XI. The object of this instrument being to advance the welfare and improvement of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs, as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary.

ARTICLE XII. The said Stockbridges and Munsees agree to suppress the use of ardent spirits among their people and to resist by all prudent means its introduction in their settlements.

ARTICLE XIII. The Secretary of the Interior, if deemed by him expedient and proper, may examine into the sales made by the Stockbridge Indians, to whom lots of land were allotted in conformity to the Act of Congress entitled "An Act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March third, one thousand eight hundred and forty-three; and if it shall be found that any of the said sales have been improperly made, or that a proper consideration has not been paid, the same may be disapproved or set aside. By the direction of the said Secretary patents to such lots of land shall be issued to such persons as shall be found to be entitled to the same.

ARTICLE XIV. The lots of land, the equitable title to which shall be found not to have passed by valid sales from the Stockbridge Indians to purchasers, and such lots as have, by the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, been re-ceded to the United States, shall be sold at the minimum price of ten dollars per acre for lots fronting on Lake Winnebago, on both sides of the military road, and all the lands in the three tiers of

Lots next to Lake Winnebago, and at five dollars per acre for the residue of the lands in said township of Stockbridge. Purchasers of lots, on which improvements were made by Stockbridge Indians, shall pay, in addition to the said minimum price, the appraised value of such improvements. To actual settlers on any of said lots, possessing the qualifications requisite to acquire pre-emption rights, or being civilized persons of Indian descent, not members of any tribe, who shall prove, to the satisfaction of the register of the land district, to which the township of Stockbridge shall be attached, that he or she has made improvements to the value of not less than fifty dollars on such lot, and that he or she is actually residing on it; the time of paying the purchase price may be extended for a term not exceeding three years from the ratification hereof, as shall be deemed advisable by the President of the United States, provided that no such actual settler shall be permitted to pre-empt, in the manner aforesaid, more than one lot, or two contiguous lots, on which he has proved to have made improvements exceeding the value of one hundred dollars. The residue of said lots shall be brought into market as other government lands are offered for sale, and shall not be sold at a less price than the said minimum price; and all said sales shall be made, and the patents provided for in these Articles shall be issued in accordance with the survey made in conformity to said Act of March third, one thousand eight hundred and forty-three, unless, in the opinion of the Secretary of the Interior, a new survey shall be deemed necessary and proper.

ARTICLE XV. The United States agree to pay, within one year after the ratification of this agreement, the appraised value of the improvements upon the lands herein ceded and relinquished to the United States, to the individuals claiming the same, the valuation of such improvements, to be made by a person to be selected by the Superintendent of Indian affairs for the Northern Superintendency, and not to exceed, in the

aggregate, the sum of five thousand dollars.

ARTICLE XVI. The hereinafter named Stockbridge Indians, having become sufficiently advanced in civilization, and being desirous of separating from the Stockbridge tribe, and of enjoying the privileges granted to persons of Indian descent by the State of Wisconsin, and in consideration of ceding and relinquishing to the United States all their rights in the lands and annuities of the Stockbridge tribe of Indians, and in the annuities, money, or land, to which said Indians now are or may hereafter be entitled, the United States agree to issue patents in fee simple to the said Stockbridge Indians to the lots of land, at the town of Stockbridge, described and set opposite their names.

Names of Persons.	Lots to be patented to them.	Lots, the purchase of which, on the same terms of payment, as the lots set off to the said Indians in ART. XIV, is granted.
John Moore.....	9, 38, and 105.....	226 and 137
Job Moore.....	69, 176, and 191.....	250.....
Sophia Moore.....	177.....	.....
Caleb Moore.....	223.....	.....
Elizabeth Moore.....	234.....	.....
Henry Moore.....	254.....	233.....
Daniel David's heirs.....	47, N. half 45, 60.....	.....
John Littleman's heirs.....	113.....	.....
Jane Dean's heirs.....	39.....	.....
A. Miller's heirs.....	14.....	.....
Mary McAllister.....	N. half 230.....	S. half 230.....
Hope Welch.....	284.....	.....
Catherine Mills.....	S. half 194.....	N. half 194.....
Nancy Horn.....	N. half 270.....	S. half 270.....
Margaret Beaulieu.....	N. half 238.....	S. half 238.....
Sally Sheandosh.....	76.....	.....
Jacob Moore.....	233.....	199.....
Martha Moore, wife of Jacob Moore.....	253.....	.....
Betsy Monagoe.....	N. half 349.....	S. half 349.....
Levy Konkapot.....	61, 152.....	.....
Mary Hendrick.....	78.....	.....

The said Mary Hendrick and Levy Konkapot to have the privilege of joining again the said Stockbridges and Munsees in their new location.

ARTICLE XVII. So much of the treaties of September third, one thousand eight

hundred and thirty-nine, and of November twenty-fourth, one thousand eight hundred and forty-eight, as is in contravention or in conflict with the stipulations of this agreement, is hereby abrogated and annulled.

ARTICLE XVIII. This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the Chiefs, headmen and members of the said Stockbridge and Munsee tribes, and the said Delegates of the Munsees of New York, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

FRANCIS HUEBSCHMANN, [L. S.]
Commissioner on the part of the United States.

Ziba T. Peters, <i>sachem</i> ,		[L. S.]
John N. Chicks,		[L. S.]
Jeremiah Slingerland,	} <i>Counsellors.</i>	[L. S.]
John W. Abrams,		[L. S.]
Levi Konkapot,		[L. S.]
Joshua Wilson,		[L. S.]
	his x mark	
<i>Delegate of Munsees of New York.</i>		
Thomas S. Branch,		[L. S.]
Jacob Davids,	his x mark.	[L. S.]
John W. Quinney, jr.,	his x mark.	[L. S.]
Timothy Jourden,	his x mark.	[L. S.]
John Yocom,	his x mark.	[L. S.]
William Mohawk,	his x mark.	[L. S.]
<i>Delegate of Munsees of New York.</i>		
George T. Bennett,		[L. S.]
Jacob Konkapot,		[L. S.]
Jessee Jourden,	his x mark.	[L. S.]
Jeremiah Bennett,	his x mark.	[L. S.]
Isaac Jacobs,	his x mark.	[L. S.]
James Joshua,	his x mark.	[L. S.]
Benjamin Pye, 2d,	his x mark.	[L. S.]
John Hendricks,		[L. S.]
Eli Williams,	his x mark.	[L. S.]
Cornelius Anthony,		[L. S.]
Lewis Hendrick,		[L. S.]
Adam Davids,		[L. S.]
Elias Konkapot,	his x mark.	[L. S.]
Jediehal Wilber,		[L. S.]
William Gardner,		[L. S.]
Stephen Gardner,		[L. S.]
Simeon Gardner,	his x mark.	[L. S.]
Polly Bennett,	her x mark.	[L. S.]
Eleanor Charles,	her x mark.	[L. S.]
Mary Hendrick,	her x mark.	[L. S.]
Susan Hendrick,	her x mark.	[L. S.]
Joseph Doxtator,	his x mark.	[L. S.]
Joseph L. Chicks,		[L. S.]
Solomon Davids,	his x mark.	[L. S.]
Job Moore,	his x mark.	[L. S.]

Sophia Moore,	her x mark.	[L. S.]
Caleb Moore,	his x mark.	[L. S.]
Elizabeth Moore,	her x mark.	[L. S.]
Henry Moore,	his x mark.	[L. S.]
Elizabeth Boman,	her x mark.	[L. S.]
Humble Jourden,		[L. S.]
Phebe Pye,	her x mark.	[L. S.]
Jacob Jacobs,		[L. S.]
Aaron Konkapot,		[L. S.]
Jeremiah Gardner,	his x mark.	[L. S.]
Andrew Wilber,	his x mark.	[L. S.]
Prudence Quinney,	her x mark.	[L. S.]
Bersheba Wright,		[L. S.]
Alonzo Quinney,	his x mark.	[L. S.]
Rebecca Thompson,	her x mark.	[L. S.]
Dianah Davids,		[L. S.]
Mary Ann Littleman,	her x mark.	[L. S.]
Peter Bennett, sr.,	his x mark.	[L. S.]
Peter Bennett, jr.,	his x mark.	[L. S.]
Daniel Gardner,		[L. S.]
Bashiba Brown,	her x mark.	[L. S.]
Dennis T. Tuolay,		[L. S.]
Benjamin Pye, 3d,	his x mark.	[L. S.]
Abram Pye, sr.,	his x mark.	[L. S.]
Abram Pye, jr.,	his x mark.	[L. S.]
David Pye,	his x mark.	[L. S.]
Elizabeth Doxtator,	her x mark.	[L. S.]
Margaret Davids,	her x mark.	[L. S.]
Cornelius Aaron,	his x mark.	[L. S.]
Anna Turkey,	her x mark.	[L. S.]
Louisa Konkapot,	her x mark.	[L. S.]
Phebe Shicket,	her x mark.	[L. S.]
Elizabeth Aaron,	her x mark.	[L. S.]
Rebecca Aaron,	her x mark.	[L. S.]
Benjamin Pye, 4th,	his x mark.	[L. S.]
Paul Pye,	his x mark.	[L. S.]
Jackson Chicks, and 2 heirs of Josiah Chicks,		[L. S.]
Electa W. Candy, sister of the late John W. Quinney,		[L. S.]
Mary Jane Dean,	} Heirs of Jane Dean.	[L. S.]
Daniel P. Dean,		[L. S.]
John W. Dean,		[L. S.]
Cornelius Yoeum,		[L. S.]
Harriet Jourden,	his x mark.	[L. S.]
Peter D. Littleman,	her x mark.	[L. S.]
Lovina Pye,	her x mark.	[L. S.]
Charlotte Palmer,	her x mark.	[L. S.]
Ramona Miller,	her x mark.	[L. S.]
Hannah Turkey,	her x mark.	[L. S.]
Didema Miller,		[L. S.]
Dr. Big Deer,	his x mark.	[L. S.]
Elizabeth Wilber,	her x mark.	[L. S.]

Darius Davids,	his x mark.	[L. S.]
Harvy Johnston,	his x mark.	[L. S.]
Mary Eliza Butler,	her x mark.	[L. S.]
Thomas Tousey.		[L. S.]
Chester Tousey,		[L. S.]
Daniel Tousey,		[L. S.]
Sarah Tousey,	her x mark.	[L. S.]
Philena Pye, 1st,	her x mark.	[L. S.]
Lucinda Quinney,	her x mark.	[L. S.]
Sally Shenandoah,	her x mark.	[L. S.]
Mary McAllister,	her x mark.	[L. S.]
Hope Welch,	her x mark.	[L. S.]
Catharine Mills,	her x mark.	[L. S.]
Nancy Hom,	her x mark.	[L. S.]
Margaret Bolrew,	her x mark.	[L. S.]
Eliza Franks,	her x mark.	[L. S.]
Lucinda Gardner,	her x mark.	[L. S.]
Mary Jane Boman,	her x mark.	[L. S.]
Debby Baldwin,	her x mark.	[L. S.]
Edward Boman,	his x mark.	[L. S.]
Hannah Smith,	her x mark.	[L. S.]
Moses Smith,	his x mark.	[L. S.]
Betsy Monague,	her x mark.	[L. S.]
Dolly Duxtator,	her x mark.	[L. S.]
Aaron Smith,	his x mark.	[L. S.]
Polly Smith,	her x mark.	[L. S.]
Mary Thebeant,	her x mark.	[L. S.]
Jacob Moore,		[L. S.]
Abigail Moore,		[L. S.]
Clarissa Miller,	her x mark.	[L. S.]
Polly Konkapot,	her x mark.	[L. S.]
John Lewis,	his x mark.	[L. S.]
James Chicks,	his x mark.	[L. S.]

Signed and sealed in presence of—

THEODORE KOVEN, *Secretary to Commissioner.*

SAML. W. BEALL,

ADAM SIHERFF,

JAMES CHRISTIE,

LEMUEL GOODSELL,

ENOS MCKENZIE,

ELAM C. PEASE.

Roll and census made in conformity to Article V of the foregoing Treaty.

NAME.	Men.	Women.	Children.	Total.	NAME.	Men.	Women.	Children.	Total.
<i>Census of the Mansees of New York, included in the treaty of September 3, 1839.</i>					Elizabeth Bowman.....	1	3	4	2
Isaac Durkee.....	1	1	2	4	Humble Jourdan.....	1	1	1	1
William Mohawk.....	1	1	2	4	Phebe Pye.....	1	1	1	1
Titus Mohawk.....	1	1	1	2	Jacob Jacobs.....	1	1	1	1
Thomas Suake's widow.....	1	1	2	3	Aaron Konkapot.....	1	1	1	1
Austin Half White.....	1	1	1	2	Jeremiah Gardiner.....	1	1	1	1
Clarissa Spragg.....	1	1	2	3	Andrew Withler.....	1	1	1	1
George Moses.....	1	1	2	4	Prudence Quinney.....	1	1	1	1
Jonathan Waterman.....	1	1	5	7	Bathsheba Wright.....	1	1	1	1
Jonathan Titus.....	1	1	1	2	Alonzo Quinney.....	1	1	1	1
Levy Halftown.....	1	1	7	9	Rebecca Thompson.....	1	1	1	1
Jefferson Halftown.....	1	1	1	2	Peter Bennet, sr.....	1	1	4	6
Eunice Red Eye.....	1	1	5	6	Peter Bennet, jr.....	1	1	2	2
John Willson.....	1	1	3	5	Daniel Gardner.....	1	1	1	1
Joshua Willson.....	1	1	2	4	Bathsheba Brown.....	1	1	1	1
<i>Census of Stockbridges and Mansees at Stockbridge, Wisconsin.</i>					Dennis T. Turkey.....	1	1	2	2
John N. Chicks.....	1	1	3	4	Benjamin Pye, 3d.....	1	1	4	6
Jeremiah Slingerland.....	1	1	3	5	Abram Pye, sen.....	1	1	2	3
John W. Abrams.....	1	1	4	6	Abram Pye, jr.....	1	1	1	1
Ziba T. Peters.....	1	1	2	4	David Pye.....	1	1	1	1
Levy Konkapot.....	1	1	1	2	Elizabeth Dextator.....	1	1	4	5
Thomas S Branch.....	1	1	2	4	Margaret Davids.....	1	1	1	2
Jacob Davids.....	1	1	4	6	Cornelius Aaron.....	1	1	1	3
John W. Quinney, jr.....	1	1	2	4	Anna Turkey.....	1	1	1	1
Timothy Jourdan.....	1	1	3	5	Phebe Shickett.....	1	1	1	1
John Yocum.....	1	1	4	6	Louise Konkapot.....	1	1	1	1
George T Bennet.....	1	1	3	5	Elizabeth Aaron.....	1	1	1	1
Jacob Konkapot.....	1	1	3	5	Rebecca Aaron.....	1	1	1	1
Jesse Jourdan.....	1	1	2	4	Benjamin Pye, 4th.....	1	1	3	5
Jeremiah Bennet.....	1	1	2	4	Paul Pye.....	1	1	3	5
Isaac Jacobs.....	1	1	1	3	Jackson Chicks and one other orphan, heirs of Josiah Chicks.....	1	2	2	2
James Joshua.....	1	1	1	3	Electa W Candy.....	1	1	4	6
Benjamin Pye, 2d.....	1	2	4	7	Cornelius Yocum.....	1	1	3	5
John P. Hendricks.....	1	1	2	4	Harriet Jourdan.....	1	1	1	1
Ed Williams.....	1	1	3	5	Levina Pye.....	1	1	1	1
Cornelius Anthony.....	1	1	2	4	Charlotte Palmer.....	1	1	3	4
Lewis Hendrick.....	1	1	1	2	Remona Miller.....	1	1	2	3
Adam Davids.....	1	1	2	4	Hannah Turkey.....	1	1	3	4
Elias Konkapot.....	1	1	1	2	Bigdeer.....	1	1	1	1
Jedediah Wilber.....	1	1	1	2	Elizabeth Withler.....	1	1	2	3
William Gardner.....	1	1	3	5	Harvey Johnston.....	1	1	7	9
Stephen Gardner.....	1	1	1	2	Mary Eliza Butler.....	1	1	3	4
Simon Gardner.....	1	1	1	2	Thomas Tousey.....	1	1	6	8
Polly Bennet.....	1	1	2	3	Chester Tousey.....	1	1	5	7
Eleanor Charles.....	1	1	1	2	Daniel Tousey.....	1	1	1	1
Mary Hendrick.....	1	1	1	2	Sarah Tousey.....	1	1	1	1
Susannah Hendrick.....	1	1	1	2	Philena Pye, 1st.....	1	1	1	1
Joseph Dextator.....	1	1	1	2	Lucinda Quinney.....	1	1	2	3
Joseph L. Chicks.....	1	1	3	4	Eliza Franks.....	1	1	1	2
James Chicks.....	1	1	1	2	Lucinda Gardner.....	1	1	1	2
Solomon Davids.....	1	1	1	3	Mary Jane Bowman.....	1	1	1	1
					Deby Baldwin.....	1	1	2	3
					Edward Bowman.....	1	1	1	2
					Moses Smith.....	1	1	2	4
					Dolly Dextator.....	1	1	1	2
					Polly Smith.....	1	1	1	1

ROLL—Continued.

NAMES.	Men.	Women.	Children.	Total.	NAMES.	Men.	Women.	Children.	Total.
Aaron Smith, (Hannah Smith)....	1	1	2	4	Sally Pye		1	2	3
Polly Koukapot.....		1		1	James Palmer.....	1		2	3
John Lewis	1			1	Jonas Thompson	1	1	3	5
Peter D. Littleman	1	1	4	6	William Thompson	1			1
Clarissa Miller.....		1		1	Austin E. Quinney	1	1	3	5
John P. Quinney, (absent).....	1	1		2	John Beaman.....	1			1
Paul Quinney, (absent).....	1	1	1	3	Simeon Quinney.....	1	1	1	3
Charles Stevens	1			1	Elizabeth Palmer.....		1		1
Samuel Stevens	1	1		2	Margaret Miller.....		1	2	3
Samuel Miller.....		1	4	5	William Miller.....	1			1
John Metoxen, sen.....	1	1		2	Zacariah Miller.....	1	1		2
Simeon S. Metoxen	1	1	4	6	Salomon Duchamp.....	1			1
Nicholas Palmer.....	1	1	2	4	John Metoxen, jr.....	1			1
Daniel Metoxen	1			1	Joseph M. Quinney.....	1	1	1	3
Moses Doxtator.....	1	1	2	4	Mary Quinney.....		1		1
Darius Charles	1		2	3	Freelinghuysen Quinney	1			1
Catharine Butterfield.....		1	1	2	Bartholomew Bowman.....	1			1
Washington Quinney	1	1	3	5	Lewis Bowman.....	1			1
Ezekiel Robinson	1			1					

FRANCIS HUEBSCHMANN,
Commissioner on the part of the United States.

ZIBA T. PETERS, Sachem.

Roll and census of Stockbridges and Munsees who prefer to remain at Stockbridge,
according to ART. XVI.

NAMES.	Men.	Women.	Children.	Total.	NAMES.	Men.	Women.	Children.	Total.
John Moore.....	1			1	Dideema Miller.....		1		1
Job Moore.....	1	1	6	8	Darius Davids.....	1			1
Sophia Moore.....		1		1	Mary McAllister.....			1	1
Caleb Moore.....					Hope Welch.....		1		1
Elizabeth Moore.....					Catherine Mills.....		1		1
Henry Moore.....	1		1	2	Nahcy Horn.....		1		1
Diana Davids.....		1		1	Margaret Beaulieu.....		1	5	6
Mary Ann Littleman.....		1	1	2	Sally Shensadoah.....		1	2	3
Mary Jane Dean, } Children of {			1	1	Betsy Manague.....		1	5	6
Daniel P. Dean, } Jane Dean. {			1	1	Jacob Moore.....	1	1	2	4
John W. Dean, }			1	1					

FRANCIS HUEBSCHMANN, Commissioner.

ZIBA T. PETERS, Sachem.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, March 3, 1856.

SIR: Referring to my last two annual reports, where the embarrassed condition of the Stockbridge and Munsee Indians is discussed, and to the paragraph of the general Indian appropriation bill, of the 3d March, 1855, Stat: at Large, vol. x, p. 699, where there is appropriated, "For the purpose of enabling the President to treat with, and arrange the difficulties existing among the Stockbridge and Munsee Indians, of Lake Winnebago, in the State of Wisconsin, arising out of the acts of Congress of third March, eighteen hundred and forty-three, and August sixth, eighteen hundred and forty-six, and the treaty of twenty fourth of November, eighteen hundred and forty-eight, in such manner as may be just to the Indians, and with their assent, and not inconsistent with the legal rights of white persons who may reside on the Stockbridge reserve, of the claim of the United States under the treaty of eighteen hundred and forty-eight, the sum of fifteen hundred dollars;"—and also to the treaty which was made between these Indians and Superintendent Francis Huebschmann, during the last summer, which, for reasons, then given you, was disapproved of, I have now the honor to send up a treaty concluded with them, on the 5th ultimo, by Superintendent Huebschmann, the provisions of which are approved by me, and would recommend, if you agree, that it be laid before the President, to the end, if approved by him, that it may be sent to the Senate for its constitutional action thereon.

And I herewith transmit a copy of the letter of the superintendent sending on said treaty, together with a copy of a power of attorney from certain Munsees to Isaac Durkee, William Mohawk, and Joshua Willson, for purposes therein indicated.

I would merely remark that, by locating the Stockbridges in Wisconsin, instead of Minnesota, about \$20,000 of expense would be saved in removal, while a location in Minnesota could not be more out of the way of the whites, and the lands there would be worth to the government at least as much as the price to be paid the Menomonees.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

HON. ROBERT McCLELLAND,

Secretary of the Interior.

NORTHERN SUPERINTENDENCY,
Milwaukee, February 23, 1856.

SIR: I have the honor to enclose a treaty with the Stockbridges and Munsees, concluded in conformity to your instructions. In consequence of the complicated difficulties at Stockbridge, and the factious spirit ruling among the Indians, the task imposed upon me was not an easy one, and required extraordinary patience and forbearance. I believe I have used all proper means to make the arrangement contemplated by the treaty as acceptable to all parties interested as could be expected under the circumstances. However, about one-fifth of the Indians, headed by Austin E. Quinney, and mostly consisting of members of the Quinney family, did not sign the treaty, but without giving any sensible reason. The only two objections raised by Austin E. Quinney to the draft of the treaty were: *First*, That the issuing of patents to lands, to be apportioned to the individuals of the tribe, was contemplated. This objection was virtually obviated by amending the treaty, so that the application for a patent to be made after ten years, has first to be consented to by the general council of the Stockbridges and Munsees.

His second objection was, that there was no provision made for the payment of a claim he himself has against the tribe. Though I invited him to submit the claim to me for examination, he did not do so, and, from what I learned from himself and others, it appears that it would, if submitted, not bear very accurate examination, as about half of it is made up of high charges for meals furnished councillors of the Stockbridges, and the other half for funds advanced to one certain Chandler, on his share of the twenty thousand dollars, to be paid under the amendment to the treaty of 1848, for procuring the adoption of the said amendment.

The real objection on the part of the Quinneys to the reorganization of the Stockbridges and Munsees under this treaty, is, no doubt, the certainty staring them in the face, that their rule over the tribe will be at an end if the treaty is ratified. To show what use this family has made of their power over the tribe, I will only mention a few instances. Though claiming to hold their lands again in commonalty in consequence of the law of August 6, 1846, Austin E. Quinney, by barter and trade carried on with widows and other Indians, and by advancing to them a few provisions, pretended to have bought their lots of land, and, under the treaty of 1848, he not only received pay for the improvements on all these lands, (1,440 acres, \$2,760 63,) but of the sixteen thousand five hundred dollars paid under V. article of the treaty of 1848, he received \$3,083, while under a proper per capita apportionment, the share of his family would not have been much more than about three hundred dollars. The interest of the \$16,500, to be paid "as other annuities are paid by the United States," has been apportioned in direct violation of the said treaty until the Stockbridge affairs came under my superintendence, in the same manner as the \$16,500, under art. V. had been paid; and for the benefit of Sam'l Miller even that illegal apportionment was falsified so as to pay him one half of \$1,662 50, and the interest on the other half instead of \$412 50, the proportion to which he would have been entitled by the quantity of land held by him at the treaty of 1848. Austin E. Quinney realized about a thousand dollars more by selling his pretended right of occupancy to lots, so that it appears, that he has received about seven thousand dollars in addition to what he has received of the money paid to his tribe by the State of New York, and it is no doubt mortifying to him that his share of moneys hereafter, is to be no larger than that of any other member of the tribe. A great part of the funds received from the State of New York has been used by the Quinney family for their own aggrandizement and the sending of delegations to Washington; and the wishes of a majority of the Stockbridges in relation to the application of those funds have been frequently disregarded, and at the present time Sam'l Miller has been sent by Austin E. Quinney as delegate to Washington with a part of those funds, in direct opposition to the wishes of the majority.

I proposed to Austin E. Quinney and his followers to patent to them lands at Stockbridge, and to make other stipulations favorable to them, if they preferred to remain there and to separate from the tribe; but as they would not declare their willingness to accept of such provisions, and as Quinney declared that he would probably desire to remove with the others if the lands to be selected were of good quality, and deeming it more beneficial to them, that they should remove with the others and be settled by themselves, if they preferred it, in some corner of the new reservation, I did not feel prompted to provide for their remaining at Stockbridge, and increased the sums to be paid in proportion to their number.

I had made no secret, since my visit to Stockbridge during the forepart of December last, of the arrangement contemplated in relation to lands and land titles at Stockbridge, (articles XIII and XIV,) and it appeared generally satisfactory to the white settlers; yet there will be always found meddlesome individuals, and it

appears that, at the request of a resident of Stockbridge, who, however, has no land himself, a lawyer of Green Bay had drawn up a petition or memorial asking the treaty to be amended.

When I saw the document, no names were attached to it, and I have not inquired afterwards, if it has been signed by any body and forwarded. I read it very hastily; but it left the impression upon my mind that little legal knowledge was displayed by its author. Since the authority to issue patents, given by the law of 1843, was destroyed by the repealing act of 1846, and the list of patents to lots to be granted under the treaty of 1848, is imperfect and incorrect, the settlers at Stockbridge, if they understand it, will be the last to object to authority being granted to the proper officer, to issue patents; and the investigation of sales made by Indians provided for, I think, will not be seriously objected to, except by such who are afraid that the consideration paid by them would be found to have consisted of whiskey.

The minimum price fixed in the treaty for the land, to be sold by the United States government is not too high nor unjust to any class of the settlers at Stockbridge. Those who settled there shortly after the treaty of 1848, and bought out, for a small consideration, the right of occupancy of Indians, to their houses, clearings, and fields, have since mostly confined themselves to cultivating the fields already made and raised fine crops, without paying any taxes or bearing any of the hardships of a new settlement. It has not been so much by their labor that these lands have become valuable, as by the settlements and improvements made in the surrounding country and the general prosperity of the State. The settlers who have recently squatted on lots of land at Stockbridge, have gone there with the perfect knowledge of the price which was expected to be fixed on those lands, and since it has become known that the treaty was signed, that part of the State has been under great excitement, and many have flocked to Stockbridge to make claims and to avail themselves of the privileges contemplated to be extended to actual settlers by the treaty. It is feared that there are even more settlers and claimants than lots of land, and if the price should be reduced, the excitement would, no doubt, become more intense and the land officers would find it more difficult to settle the conflicting claims. The privilege of entering lands at the terms of payment, as prescribed for actual settlers, in ART. XIV, granted to a number of Indians by ART. XVI, was considered by all as very valuable, which seems to prove beyond a doubt, that the price is considered very moderate. If the petition above referred to has been signed generally by the settlers at Stockbridge, they have done so in consequence of its being represented to them, that it could do no harm to try to get the lands from the government at a less price, and not because the price is too high or unjust to any one of them. A power of attorney of the Munsees of New York to their delegate is herewith enclosed.

Very respectfully, your obedient servant,
FRANCIS HUEBSCHMANN,
Superintendent.

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington, D. C.

Know all men that by these presents we make, constitute, and appoint Isaac Durkee, William Mohawk, and Joshua Willson, or either two of them, in the absence of the other, to receive from the commissioner of the United States the share of us, and each of us, and our families in money, which, in consideration of annuities due us from the United States, or by virtue and effect of a treaty which it is

understood is about to be made between the United States and the Stockbridge and Munsee tribes of Indians, we are informed will be our due, and will be paid to us by the said commissioner, or by the superintendent of Indian affairs for Wisconsin. And we hereby authorize our attorneys as aforesaid to give receipts and vouchers to the said commissioner or superintendent, as may be right, or he may require; our intention being that our said attorneys shall transmit to us, in the State of New York, said moneys, to enable us immediately to remove to, improve, and sub-sist in our new homes in the State of Wisconsin.

Hereby ratifying the acts of our attorneys in the premises.

In witness whereof, we have hereunto set our hands and seals, this ——— day of January, A. D. 1856.

Isaac Durkee,	
William Mohawk,	
Titus Mohawk,	his x mark.
Austin Half White,	his x mark.
Clarissa Spragg,	her x mark.
George Moses,	his x mark.
Jonathan Waterman,	his x mark.
Jonathan Titus,	his x mark.
Levy Half Town,	his x mark.
Jefferson Half Town,	his x mark.

In presence of—

SAM'L W. BEALL,
JOHN ARMSTRONG.

STATE OF NEW YORK, }
Cattaraugus County, } ss.

On this 19th day of January, A. D. 1856, came before me Isaac Durkee, William Mohawk, Titus Mohawk, Austin Half White, Clarissa Spragg, George Moses, Jonathan Watersnake, Jonathan Titus, Levy Half Town, Jefferson Half Town, proven to me, by the oath of George Jamison, to me well known, to be the individuals who signed and executed the within instrument of attorney, and acknowledged that they executed it freely.

GEORGE JAMISON, his x mark.

Sworn and subscribed before me, this 19th day of January, 1856.

ELISHA BROWN,
Justice of the Peace.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
April 18, 1856.

Resolved, (two-third of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huebschmann, commis-

sioner, on the part of the United States, and the Stockbridge and Munsee tribes of Indians, assembled in general council, and such of the Munsees, who were included in the treaty of September 3, 1839, but are yet residing in the State of New York, by their duly authorized delegates, William Mohawk, and Joshua Wilson, with the following

AMENDMENTS.

ARTICLE H. Add thereto, the following :

"And the further sum of eighteen thousand dollars, (twelve thousand for the Stockbridges, and six thousand for the Munsees,) to be expended, at such time, and in such manner, as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessities, the discharge of national or tribal debts, and to enable them to settle their affairs."

ARTICLE XVI. Insert the name of "John W. Abrams" in the list of persons provided for in this article; and in the column opposite his name the words "lot No. 59"—and insert his name also after the name of "Levi Konkapot" in the paragraph below the list of names.

Attest :

ASBURY DICKINS,

Secretary.

And whereas the said amendments were, at Stockbridge, Wisconsin, on the twenty-ninth day of July, eighteen hundred and fifty-six, laid before the general council of the Stockbridge and Munsee tribes of Indians, and after having been read and fully explained to said council, were ratified and accepted by said council, by a written instrument in the words and figures following, to wit:

IN GENERAL COUNCIL OF THE STOCKBRIDGE AND MUNSEE TRIBES OF INDIANS,

Stockbridge, Wisconsin, July 29, 1856.

The Senate of the United States having advised and consented to the ratification of the articles of agreement and convention, made and concluded at Stockbridge, in the State of Wisconsin, on the fifth day of February, eighteen hundred and fifty-six, between Francis Huchschnann, commissioner on the part of the United States, and the Stockbridge and Munsee tribes of Indians, assembled in general council, and such of the Munsees, who were included in the treaty of September 3d, 1839, but were yet residing in the State of New York, by their duly authorized delegates, William Mohawk and Joshua Wilson, with the following

AMENDMENTS.

ARTICLE II. Add thereto, the following :

"And the further sum of eighteen thousand dollars, (twelve thousand for the Stockbridges and six thousand for the Munsees,) to be expended, at such time, and in such manner, as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessities, the discharge of national or tribal debts, and to enable them to settle their affairs."

ARTICLE XVI. Insert the name of "John W. Abrams" in the list of persons provided for in this article; and in the column opposite his name the words, "lot No. 59"—and insert his name also after the name of "Levi Konkapot" in the paragraph below the list of names—we, the abovenamed Stockbridges and Munsees, parties to the said articles of agreement and convention, after the said amendments have been read and explained to us, consent to and accept of the same.

In witness whereof, we have hereunto set our hands and seals.

Ziba T. Peters, <i>sachem</i> ,		[L. S.]
John N. Chicks,		[L. S.]
Jememiah Slingerland,		[L. S.]
John W. Abrams,	} <i>Counsellors.</i>	[L. S.]
Levi Konkapot,		[L. S.]
Joshua Willson,		[L. S.]
John Yoreom,		[L. S.]
William Mohawk,	his x mark.	[L. S.]
James Joshua,	his x mark.	[L. S.]
Benjamin Pye, 2d,	his x mark.	[L. S.]
John Hendricks,		[L. S.]
Eli Williams,		[L. S.]
Elias Konkapot,	his x mark.	[L. S.]
William Gardner,		[L. S.]
Stephen Gardner,		[L. S.]
Mary Hendrick,	her x mark.	[L. S.]
Joseph Duxtator,	his x mark.	[L. S.]
Elizabeth Boman,	her x mark.	[L. S.]
Humble Jourden,		[L. S.]
Jeremiah Gardner,	his x mark.	[L. S.]
Abram Pye, sen.,	his x mark.	[L. S.]
Cornelius Yoreom,	his x mark.	[L. S.]
Peter D. Littleman,		[L. S.]
Lovina Pye,	her x mark.	[L. S.]
Dr. Big Deer,		[L. S.]
Harvey Johnston,	his x mark.	[L. S.]
Thomas, Tousley,		[L. S.]
Chester Tousey,	his x mark.	[L. S.]
Daniel Tousey,	his x mark.	[L. S.]
Sarah Tousey,	her x mark.	[L. S.]
Debby Baldwin,	her x mark.	[L. S.]
Abigail Moon,	her x mark.	[L. S.]
Clarissa Miller,	her x mark.	[L. S.]
Soloman Davids,	his x mark.	[L. S.]
Jacob Konkapot,	his x mark.	[L. S.]
Isaac Jacobs,	his x mark.	[L. S.]
Susan Hendricks,		[L. S.]
Jeremiah Bennett,	his x mark.	[L. S.]
Dennis Tuskey,		[L. S.]
Electa W. Candy,		[L. S.]
Sally Schanendoah,		[L. S.]
Daniel Gardner,	his x mark.	[L. S.]
Simeon Gardner,	his x mark.	[L. S.]
Sophronia Thompson,	her x mark.	[L. S.]
Catherine Mills,	her x mark.	[L. S.]
John W. Quinney,		[L. S.]
Paul Quinney,	his x mark.	[L. S.]
Lucinda Gardner,	her x mark.	[L. S.]
Jacob Jacobs,		[L. S.]
Margaret Davids,	her x mark.	[L. S.]
Peter Bennett,	his x mark.	[L. S.]

Phebe Pye,	her x mark.	[L. S.]
Elizabeth Doxtator,	her x mark.	L. S.
John Lewis,	his x mark.	L. S.
Elizabeth Miller,	her x mark.	L. S.
Rebecca Aaron,	her x mark.	L. S.
Elizabeth Aaron,	her x mark.	L. S.
Thomas S. Branch,		L. S.
Jane Boman,	her x mark.	L. S.
James Chicks,	his x mark.	L. S.
Hannah Tuskey,		L. S.
Benjamin Pye, 3d,	her x mark.	L. S.
Polly Konkapot,	his x mark.	L. S.
Jacob David,	his x mark.	L. S.
Adam David,		L. S.
Levi Konkapot,	her x mark.	L. S.
Polly Smith,	his x mark.	L. S.
Aaron Smith,		L. S.
Jedediah Wilber,	her x mark.	L. S.
Mary Eliza Butler,	her x mark.	L. S.
Hannah Smith,	her x mark.	L. S.
Polly Bennett,	her x mark.	L. S.
Basheba Wright,	her x mark.	L. S.
Barsheba Brown,	her x mark.	L. S.
Timothy Jourden,		L. S.
Harriet Jourden,	her x mark.	L. S.
Dolly Doxtator,	her x mark.	L. S.
Phebe Skirket,	her x mark.	L. S.
Louisa Konkapot,		L. S.
Andrew Jackson Chicks, and		[L. S.]
two heirs of Joshua Chicks,		L. S.
Hope Welch,	her x mark.	L. S.
Charlotte Palmer,	her x mark.	L. S.
Ramona Miller,	her x mark.	L. S.
Demema Miller,	his x mark.	L. S.
Job Moore,	her x mark.	L. S.
Lueinda Quinney,		L. S.

Signed and sealed in the presence of
 FRANCIS HUEBSCHMANN,
Superintendent Indian Affairs.
 DR. FERDINAND OSALLO,
 H. BREWER,
 J. H. CLEAVES,
 THOMAS MCLEAN.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighteenth day of April, eighteen hundred and fifty-six, accept, ratify, and confirm the said treaty, with the amendments.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

 * Done at the city of Washington, this eighth day of September,
 * in the year of our Lord, one thousand eight hundred and
 * L. S. * fifty-six, and of the independence of the United States, the
 * eighty-first.

FRANKLIN PIERCE.

By the President:
 W. L. MARCY,
Secretary of State.

129

TREATY

BETWEEN

THE UNITED STATES

AND THE

MENOMONEE INDIANS.

FEBRUARY 11, 1856.





FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, a treaty was made and concluded at Keshena, State of Wisconsin, on the eleventh day of February, one thousand eight hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council, which treaty is in the words and figures following, to wit:

Whereas a treaty was entered into at Stockbridge, in the State of Wisconsin, on the fifth of the present month, between the United States of America on the one part, and the Stockbridge and Munsee tribes of Indians on the other, stipulating that a new home shall be furnished to the said Stockbridge and Munsee Indians, near the south line of the Menomonee reservation; and

Whereas the United States desire to locate said Stockbridges and Munsees near the said line in the western part of the said reservation, on lands on which no permanent settlements have been made by the Menomonees; and

Whereas there is no objection on the part of the Menomonees to the location of the Stockbridges and Munsees in their neighborhood, therefore, this agreement and convention has been entered into—

Articles of agreement made and concluded at Keshena, State of Wisconsin, on the eleventh day of February, in the year of our Lord eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council.

ARTICLE I.

The Menomonee tribe of Indians cede to the United States a tract of land, not to exceed two townships in extent, to be selected in the western part of their present reservation on its south line, and not containing any permanent settlements made by any of their number, for the purpose of locating thereon the Stockbridge and Munsee Indians, and such others of the New York Indians as

the United States may desire to remove to the said location within two years from the ratification hereof.

ARTICLE II.

The United States agree to pay for the said cession, in case the said New York Indians will be located on the said lands, at the rate of sixty cents per acre; and it is hereby stipulated, that the moneys so to be paid shall be expended in a like

manner, to promote the improvement of the Menomonees, as is stipulated by the third article of the treaty of May twelfth, eighteen hundred and fifty-four, for the expenditure of the forty thousand dollars which had been set aside for their removal and subsistence, west of the Mississippi, by the treaty of October eighteenth, eighteen hundred and forty-eight.

ARTICLE III.

To promote the welfare and the improvement of the said Menomonees, and friendly relations between them and the citizens of the United States, it is further stipulated—

1. That in case this agreement and the treaties made previously with the Menomonees should prove insufficient, from causes which cannot now be foreseen, to affect the said objects, the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of the affairs of the Menomonees as in his judgment may be most bene-

In testimony whereof, the said Francis Huebschmann, commissioner as aforesaid, and the chiefs and headmen of the said Menomonee tribe, in presence and with the consent of the warriors and young men of the said tribe, assembled in general council, have hereunto set their hands and seals at the place and on the day and year herein before written.

FRANCIS HUEBSCHMANN, [L. s.]

Commissioner on the part of the United States.

Osh-kosh,	his x mark.	[L. s.]
Sho-ne-niew,	his x mark.	[L. s.]
Ke she na,	his x mark.	[L. s.]
La-motte,	his x mark.	[L. s.]
Pe-qua-kaw-nah,	his x mark.	[L. s.]
Car-ron,	his x mark.	[L. s.]
Wau-ke-chon,	his x mark.	[L. s.]
Ah-kamote,	his x mark.	[L. s.]
Ah-yah-metah,	his x mark.	[L. s.]
Osh-ke-he-na-niew,	his x mark.	[L. s.]
Kotch-kaw-no-naew,	his x mark.	[L. s.]
Sho-ne-on,	his x mark.	[L. s.]
Wa-pa-massaw,	his x mark.	[L. s.]
Naw-no-ha-toke,	his x mark.	[L. s.]
Match-a-kin-naew,	his x mark.	[L. s.]

ficial to them; or Congress may, hereafter, make such provision by law, as experience shall prove to be necessary.

2. That the Menomonees will suppress the use of ardent spirits among their people, and resist, by all prudent means, its introduction in their settlements.

3. That the President of the United States, if deemed by him conducive to the welfare of the Menomonees, may cause their annuity moneys to be paid to them in semi-annual or quarterly instalments.

4. That all roads and highways, laid out by authority of law, shall have right of way through the lands of the said Indians on the same terms as are provided by law for their location through lands of citizens of the United States.

ARTICLE IV.

This instrument shall be binding upon the contracting parties whenever the same shall be ratified by the President and Senate of the United States.

Mah-mah-ke-wet,	his x mark.	[L. S.]
Ko-man-e-kim,	his x mark.	[L. S.]
Shaw-puy-tuck,	his x mark.	[L. S.]
Okcu-a-po-wet,	his x mark.	[L. S.]
Wy-taw-say,	his x mark.	[L. S.]
Naw-kaw-chis-ka,	his x mark.	[L. S.]
Wa-ta-push,	his x mark.	[L. S.]
Py-aw-wah-say,	his x mark.	[L. S.]
Way-aich-kiew,	his x mark.	[L. S.]
Ay-oh-sha,	his x mark.	[L. S.]
Mo-sha-hart.	his x mark.	[L. S.]

Signed and sealed in presence of—

BENJAMIN HUNKINS, *Indian Agent.*
 TALBOT PRICKET, *United States Interpreter.*
 THEODORE KOVEN, *Secretary to Commissioner.*
 JOHN WILEY.
 R. OTTO SKOLLAR.
 H. L. MURNY.
 BENJAMIN RICE.
 JOHN WERDCHAFF.
 STEPHEN CANTFIELD.
 THOMAS HEATON.

And whereas, this said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:

IN EXECUTIVE SESSION,

SENATE OF THE UNITED STATES, *April 18, 1856.*

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement, made and concluded at Keshena, State of Wisconsin, on the eleventh of February, eighteen hundred and fifty-six, between Francis Huebschmann, commissioner on the part of the United States, and the Menomonee tribe of Indians, assembled in general council.

Attest :

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known, that I, Franklin Pierce, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the 1th day of April, A. D. one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fourth day of April, A. D. [L. S.] one thousand eight hundred and fifty-six, and of the Independence of the United States, the eightieth.

FRANKLIN PIERCE.

By the President:

WM. L. MARCY, *Secretary of State.*

190

TREATY

BETWEEN

THE UNITED STATES

AND THE

FOUR CONFEDERATE BANDS

OF

PAWNEE INDIANS.

SEPTEMBER 24, 1857.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at Table creek, in the Territory of Nebraska, on the twenty-fourth day of September, one thousand eight hundred and fifty-seven, between the United States of America, by James W. Denver, commissioner duly authorized thereto, and the Chiefs and Head-men of the four confederate bands of Pawnee Indians, viz: Grand Pawnees, Pawnee Loups, Pawnee Republicans, and Pawnee Tappahs, and generally known as the Pawnee Tribe, which treaty is in the following words, to wit:

Sept. 24, 1857.
Preamble.

Articles of agreement and convention made this twenty-fourth day of September, A. D. 1857, at Table Creek, Nebraska Territory, between James W. Denver, commissioner on behalf of the United States, and the Chiefs and Head-men of the four confederate bands of Pawnee Indians, viz: Grand Pawnees, Pawnee Loups, Republicans, and Pawnee Tappahs, and generally known as the Pawnee Tribe.

Title.

ARTICLE 1st. The confederate bands of the Pawnees aforesaid, hereby cede and relinquish to the United States, all their right, title, and interest in and to all the lands owned or claimed by them, except as hereinafter reserved, and which are bounded as follows, viz: on the east by the lands lately purchased by the United States from the Omahas; on the south by the lands heretofore ceded by the Pawnees to the United States; on the west by a line running due north from the junction of the North with the South fork of the Platte river, to the Keha-Paha river; and on the north by the Keha-Paha river to its junction with the Niobrara, L'eanqui Court, or Running Water river, and thence, by that river, to the western boundary of the late Omaha cession. Out of this cession the Pawnees reserve a tract of country, thirty miles long from east to west, by fifteen miles wide from north to south, including both banks of the Loup fork of the Platte river; the east line of which shall be at a point not further east than the mouth of Beaver creek. If, however, the Pawnees, in conjunction with the United States agent, shall be able to find a more suitable locality for their future homes, within said cession, then, they are to have the privilege of selecting an equal quantity of land there, in lieu of the reservation herein designated, all of which shall be done as soon as practicable; and the Pawnees agree to remove to

Lands hereby
ceded by Paw-
nees to the
United States.

Reservation.

their new homes, thus reserved for them, without cost to the United States, within one year from the date of the ratification of this treaty by the Senate of the United States, and, until that time, they shall be permitted to remain where they are now residing, without molestation.

Payment to
Pawnees.

ARTICLE 2d. In consideration of the foregoing cession, the United States agree to pay to the Pawnees the sum of forty thousand dollars per annum, for five years, commencing on the first day of January, A. D. eighteen hundred and fifty-eight; and, after the end of five years, thirty thousand dollars per annum, as a perpetual annuity, at least one-half of which annual payments shall be made in goods, and such articles as may be deemed necessary for them.

United States
to establish
manual labor
schools.

ARTICLE 3d. In order to improve the condition of the Pawnees, and teach them the arts of civilized life, the United States agree to establish among them, and for their use and benefit, two manual-labor schools, to be governed by such rules and regulations as may be prescribed by the President of the United States, who shall also appoint the teachers, and, if he deems it necessary, may increase the number of schools to four. In these schools, there shall be taught the various branches of a common school education, and, in addition, the arts of agriculture, the most useful mechanic arts, and whatever else the President may direct. The Pawnees, on their part agree that each and every one of their children, between the ages of seven and eighteen years, shall be kept constantly at these schools for, at least, nine months in each year; and if any parent or guardian shall fail, neglect, or refuse to so keep the child or children under his or her control at such school, then, and in that case, there shall be deducted from the annuities to which such parent or guardian would be entitled, either individually or as parent or guardian an amount equal to the value, in time, of the tuition thus lost; but the President may at any time change or modify this clause as he may think proper. The chiefs shall be held responsible for the attendance of orphans who have no other guardians; and the United States agree to furnish suitable houses and farms for said schools, and whatever else may be necessary to put them in successful operation; and a sum not less than five thousand dollars per annum shall be applied to the support of each school, so long as the Pawnees shall, in good faith, comply with the provisions of this article; but if, at any time, the President is satisfied they are not doing so, he may, at his discretion, discontinue the schools in whole or in part.

Children to be
kept at school.

Pawnees to be
protected in
their new
homes.
To supply cer-
tain tools, &c.

ARTICLE 4th. The United States agree to protect the Pawnees in the possession of their new homes. The United States also agree to furnish the Pawnees:

First. With two complete sets of blacksmith, gunsmith, and tin-smith tools, not to exceed in cost seven hundred and fifty dollars; and erect shops at a cost not to exceed five hundred dollars; also five hundred dollars annually, during the pleasure of the President, for the purchase of iron, steel, and other necessities for the same. The United States are also to furnish two blacksmiths, one of whom shall be a gunsmith and tin-smith; but the Pawnees agree to furnish one or two young men of their tribe to work constantly in each shop as strikers or apprentices, who shall be paid a fair compensation for their labor.

Second. The United States agree to furnish farming utensils and stock, worth twelve hundred dollars per annum, for ten years, or during the pleasure of the President, and for the first year's purchase of stock, and for erecting shelters for the same, an amount not exceeding three thousand dollars, and also to employ a farmer to teach the Indians the arts of agriculture.

Farming utensils and stock.

Third. The United States agree to have erected on said reservation a steam mill, suitable to grind grain and to saw lumber, which shall not exceed in cost six thousand dollars, and to keep the same in repair for ten years; also, to employ a miller and engineer for the same length of time, or longer, at the discretion of the President; the Pawnees agreeing to furnish apprentices, to assist in working the mill, who shall be paid a fair compensation for their services.

To erect and run a steam-mill.

Fourth. The United States agree to erect dwelling-houses for the interpreter, blacksmith, farmer, miller, and engineer, who shall not exceed in cost, five hundred dollars each; and the Pawnees agree to prevent the members of their tribe from injuring or destroying the houses, shops, machinery, stock, farming utensils, and all other things furnished by the government, and if any such shall be carried away, injured, or destroyed, by any of the members of their tribe, the value of the same shall be deducted from the tribal annuities. Whenever the President shall become satisfied that the Pawnees have sufficiently advanced in the acquirement of a practical knowledge of the arts and pursuits to which this article relates, then, and in that case, he may turn over the property to the tribe, and dispense with the services of any or all of the employees herein named.

Dwellings for interpreter, &c.

ARTICLE 5th. The Pawnees acknowledge their dependence on the government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens, nor on that of any other person belonging to any tribe or nation at peace with the United States. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the government out of their annuities. Nor will they make war on any other tribe, except in self-defence, but will submit all matters of difference between them and other Indians to the government of the United States, or its agent, for decision, and abide thereby.

Pawnees to be friendly, and not to make war, except, &c.

ARTICLE 6th. The United States agent may reside on or near the Pawnee reservation; and the Pawnees agree to permit the United States to build forts and occupy military posts on their lands, and to allow the whites the right to open roads through their territories; but no white person shall be allowed to reside on any part of said reservation unless he or she be in the employ of the United States, or be licensed to trade with said tribe, or be a member of the family of such employé or licensed trader; nor shall the said tribe, or any of them, alienate any part of said reservation, except to the United States; but, if they think proper to do so, they may divide said lands among themselves, giving to each person, or each head of a family, a farm, subject to their tribal regulations, but in no instance to be sold or disposed of to persons outside, or not themselves of the Pawnee tribe.

United States may build forts, &c., on lands of Pawnees.

White persons not to reside thereon unless licensed.

Pawnees not to alienate any part thereof, except to the United States.

United States
to furnish six
laborers.

ARTICLE 7th. The United States agree to furnish, in addition to the persons heretofore mentioned, six laborers for three years, but it is expressly understood that while these laborers are to be under the control, and subject to the orders, of the United States agent, they are employed more to teach the Pawnees how to manage stock and use the implements furnished, than as merely laboring for their benefit; and for every laborer thus furnished by the United States, the Pawnees engage to furnish at least three of their tribe to work with them, who shall also be subject to the orders of the agent, and for whom the chiefs shall be responsible.

Offenders
against United
States laws
&c. to be sur-
rendered.

ARTICLE 8th. The Pawnees agree to deliver up to the officers of the United States all offenders against the treaties, laws, or regulations of the United States, whenever they may be found within the limits of their reservation; and they further agree to assist such officers in discovering, pursuing, and capturing any such offender or offenders, anywhere, whenever called on so to do; and they agree, also, that, if they violate any of the stipulations contained in this treaty, the President may, at his discretion, withhold a part, or the whole, of the annuities herein provided for.

Provision for
the half-breeds
of the tribe.

ARTICLE 9th. The Pawnees desire to have some provision made for the half-breeds of their tribe. Those of them who have preferred to reside, and are now residing, in the nation, are to be entitled to equal rights and privileges with other members of the tribes, but those who have chosen to follow the pursuits of civilized life, and to reside among the whites, viz: Baptiste Bayhulle, William Bayhulle, Julia Bayhulle, Frank Tatahyee, William Nealis, Julia Nealis, Catharine Papan, Politte Papan, Rousseau Papan, Charles Papan, Peter Papan, Emily Papan, Henry Geta, Stephen Geta, James Cleghorn, Eliza Deroin, are to be entitled to scrip for one hundred and sixty acres, or one quarter-section, of land for each, provided application shall be made for the same within five years from this time, which scrip shall be receivable at the United States land offices, the same as military bounty land warrants, and be subject to the same rules and regulations.

\$2000 to be
paid Samuel
Allis.

ARTICLE 10th. Samuel Allis has long been the firm friend of the Pawnees, and in years gone by has ministered to their wants and necessities. When in distress, and in a state of starvation, they took his property and used it for themselves, and when the small-pox was destroying them he vaccinated more than two thousand of them; for all these things, the Pawnees desire that he shall be paid, but they think the government should pay a part. It is, therefore, agreed that the Pawnees will pay to said Allis one thousand dollars, and the United States agree to pay him a similar sum of one thousand dollars, as a full remuneration for his services and losses.

Acknowledg-
ment of cer-
tain services by
United States.

ARTICLE 11th. Ta-ra-da-ka-wa, head chief of the Tappahs band, and four other Pawnees, having been out as guides for the United States troops, in their late expedition against the Cheyennes, and having to return by themselves, were overtaken and plundered of everything given them by the officers of the expedition, as well as their own property, barely escaping with their lives; and the value of their services being fully acknowledged, the United States agree to pay to each one of them one hundred dollars, or, in lieu thereof, to give to each a horse worth one hundred dollars in value.

ARTICLE 12th. To enable the Pawnees to settle any just claims at present existing against them, there is hereby set apart, by the United States, ten thousand dollars, out of which the same may be paid, when presented, and proven to the satisfaction of the proper department; and the Pawnees hereby relinquish all claims they may have against the United States under former treaty stipulations.

In testimony whereof, the said James W. Denver, Commissioner, as aforesaid, and the undersigned, chiefs and head-men of the four confederate bands of Pawnee Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

JAMES W. DENVER,
U. S. Commissioner.

Contingent
claims against
Pawnees.

Signatures.

PE-TA-NA-SHARO, or the Man and the Chief, his x mark. [L. s.]	Grand Pawnees.
SA-RA-CHERISH, the Cross Chief, his x mark. [L. s.]	
TE-RA-TA-PUTS, he who Steals Horses, his x mark. [L. s.]	
LE-RA-KUTS-A-NASHARO, the Grey Eagle Chief, his x mark. [L. s.]	
LA-LE-TA-RA-NASHARO, the Comanche Chief, his x mark. [L. s.]	Pawnee Loups.
TE-STE-DE-DA-WE-TET, the Man who Distributes the Goods, his x mark. [L. s.]	
LE-TA-KUTS-NASHARO, the Grey Eagle Chief, his x mark. [L. s.]	
A-SA-NA-SHARO, the Horse Chief, his x mark. [L. s.]	
NA-SHARO-SE-DE-TA-RA-KO, the one the Great Spirit smiles on, his x mark. [L. s.]	Pawnee Republicans
NA-SHARO-CHA-HICKS, a Man, but a Chief, his x mark. [L. s.]	
DA-LO-LE-KIT-TA-TO-KAH, the Man the Enemy steals from, his x mark. [L. s.]	
DA-LO-DE-NA-SHARO, the Chief like an Eagle, his x mark. [L. s.]	
KE-WE-KO-NA-SHARO, the Buffalo Bull Chief, his x mark. [L. s.]	Pawnee Tappahs.
NA-SHARO-LA-DA-HOO, the Big Chief, his x mark. [L. s.]	
NA-SHARO, the Chief, his x mark. [L. s.]	
DA-KA-TO-WA-KUTS-O-RA-NA-SHARO, the Hawk Chief, his x mark. [L. s.]	

Signed and sealed in the presence of—

WM. W. DENNISON, *U. S. Indian Agent.*
A. S. H. WHITE, *Secretary to Commissioner.*
N. W. TUCKER,
WILL. E. HARVEY,
O. H. IRISH,
SAMUEL ALLIS, *Interpreter.*
J. STERLING MORTON.

Submitted to Senate. And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirty-first day of March, one thousand eight hundred and fifty-eight, advise and consent to the ratification of the same by a resolution and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION.

SENATE OF THE UNITED STATES, March 31, 1858.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Pawnee Indians, made the 24th day of September, 1857, with the following

Amendment:

Amendment. At the end of the 2d (second) article, add: "And it is further agreed that the President may, at any time, in his discretion, discontinue said perpetuity by causing the value of a fair commutation thereof to be paid to, or expended for the benefit of, said Indians, in such manner as to him shall seem proper."

Attest:

ASBURY DICKINS, *Secretary*,
By W. HICKEY, *Chief Clerk*.

And whereas the foregoing amendment having been fully interpreted and explained to the chiefs and head-men of the Pawnee tribe as aforesaid, they did thereunto, on the third day of April, one thousand eight hundred and fifty-eight, in the city of Washington, give their free and voluntary assent, in words and figures as follows, to wit:

We, the undersigned, chiefs and head-men of the Pawnee tribe of Indians, with full powers so to do, hereby give our free and voluntary assent to the amendment made by the Senate of the United States on the thirty-first day of March, A. D. one thousand eight hundred and fifty-eight, to the treaty concluded between the United States and our tribe on the twenty-fourth day of September, A. D. one thousand eight hundred and fifty-seven, after having the same interpreted and fully explained to us.

In testimony whereof, we have hereunto subscribed our names and affixed our seals, at the city of Washington, this third day of April, A. D. one thousand eight hundred and fifty-eight.

PE-TA-NA-SHARO, the Man and the Chief, his x	[L. S.]	} <i>Grand Pawnees.</i>
NA-HOC-TARO-NA-SHARO, the Pipe Chief, his	[L. S.]	
TE-DA-WAT-KA-ROKE, the Man that makes the	[L. S.]	
Enemy poor, his x mark.	[L. S.]	
KE-WE-EKE, the Buffalo Bull, his x mark.	[L. S.]	

BE-ITS-A-NA-SHARO, the Sword Chief, his x mark.	[L. s.]	} <i>Pawnee</i> <i>Loup.</i>
LE-TA-KUTS-NA-SHARO, the Grey Eagle Chief, his x mark.	[L. s.]	
TE-STE-DE-DA-WE-TEL, the Man that Distributes Goods, his x mark.	[L. s.]	
NA-SHARO-SE-DE-TA-RA-KO, the one the Great Spirit smiles on, his x mark.	[L. s.]	} <i>Pawnee</i> <i>Republicans</i>
NA-SHARO-CHO-HICKS, a Man, but a Chief, his x mark.	[L. s.]	
NA-SHARO-RA-DA-A-COATS, Chief and a Brave, his x mark.	[L. s.]	
LA-LA-WE-KU-WA-RA, the Man always as War, his x mark.	[L. s.]	
DA-KA-TO-WA-KUTS-O - RA - NA - SHARO, the Hawk Chief, his x mark.	[L. s.]	
NA-SHARO-LAD-A-HOO, the Big Chief, his x mark.	[L. s.]	} <i>Pawnee</i> <i>Toppah.</i>
PAW-NEE-KI-EKE, Principal Chief, his x mark.	[L. s.]	
LAD-O-NA-SHARO-KA-CHA, a Man that Defeats his Enemy in the Water, his x mark.	[L. s.]	

Signed and sealed in the presence of—
 WM. W. DENNISON, *U. S. Indian Agent.*
 J. NEWTON SEARS,
 JAMES R. ROCHE,
 D. C. DAVIS,
 SAMUEL ALLIS, *U. S. Interpreter.*
 C. A. STEUART.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirty-first day of March, one thousand eight hundred and fifty-eight, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States the eighty-second.

JAMES BUCHANAN.

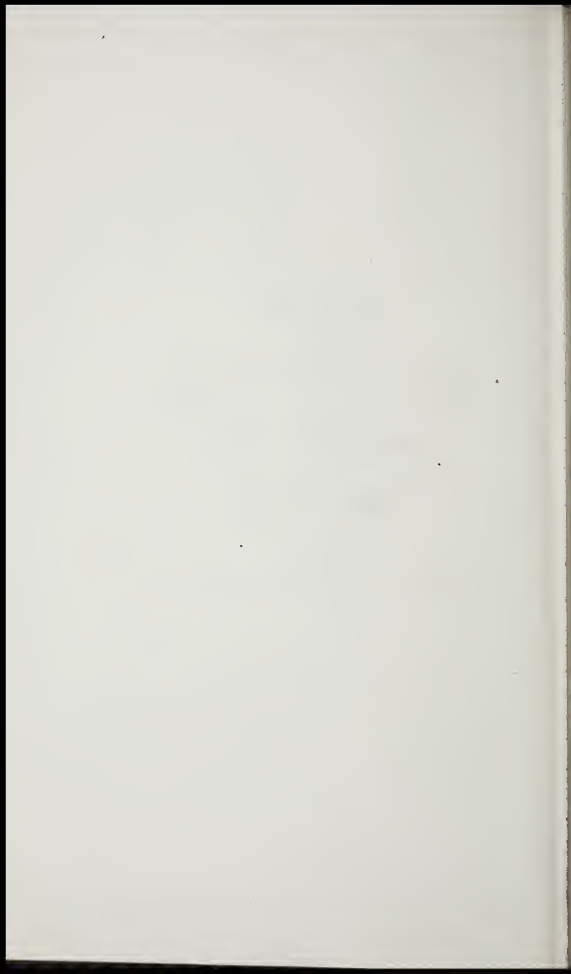
By the President:
 LEWIS CASS, *Secretary of State.*



1998

TREATY
BETWEEN
THE UNITED STATES
AND THE
TONAWANDA BAND
OF
SENECA INDIANS.

NOVEMBER 5, 1857.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee, and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, by Charles E. Mix, as a commissioner on behalf of the United States, and the following persons, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, duly authorized thereunto by the Tonawanda band of Seneca Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee and State of New York, between Charles E. Mix, commissioner on behalf of the United States, and the following persons, duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker.

Whereas a certain treaty was heretofore made between the Six Nations of New York Indians and the United States on the 15th day of January, 1838, and another between the Seneca nation of Indians and the United States on the 20th day of May, 1842, by which, among other things, the Seneca nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellows the two certain Indian reservations in the State of New York known as the Buffalo Creek and the Tonawanda reservations, to be surrendered to the said Ogden and Fellows, on the performance of certain conditions precedent defined in said treaties; and

Whereas in and by the said treaties there were surrendered and relinquished to the United States 500,000 acres of land in the then Territory of Wisconsin; and

Whereas the United States, in and by said treaties, agreed to set apart for said Indians certain lands in the Indian territory immediately west of Missouri, and to grant the same to them, to be held and enjoyed in fee-simple, the quantity of said lands being computed to afford 320 acres to each soul of said Indians, and did agree that any individual, or any number of said Indians, might remove to said territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers, respectively; and

Whereas the United States did further agree to pay the sum of \$400,000 for the removal of the Indians of New York to the said territory, and for their support and assistance during the first year of their residence in said territory; and

Whereas the said Ogden and Fellows did agree to pay to the said Seneca nation of Indians, as the consideration of the surrender and relinquishment of the said two reservations, known as the Buffalo Creek and Tonawanda reservations, certain sums of money, one part of which was to be paid to the individual Indians residing upon said reservations, for the improvements held and owned by them in severalty, the amount of which "improvement money," heretofore apportioned to those residing upon the Tonawanda reservation, being \$15,018 36, which money has been paid into, and still remains in the Treasury of the United States; and

Whereas, for divers reasons and differences, the said treaties remain unexecuted as to the said Tonawanda reservation, and the band of Senecas residing thereon; and

Whereas it is ascertained, at the date of these articles, that the Seneca Indians, composing the Tonawanda band and residing upon the Tonawanda reservation, amount to 650 souls in number; and

Whereas the United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas, and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor,

These articles are entered into:

ARTICLE 1. The said persons, authorized as in the caption hereof stated, hereby surrender and relinquish to the United States all claims severally and in common as a band of Indians, and as a part of the Seneca nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842, except, however, such moneys as they may be entitled to under said treaties, paid or payable by the said Ogden and Fellows.

ARTICLE 2. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of \$256,000 for the said Tonawanda band of Indians.

ARTICLE 3. It is hereby agreed that the Tonawanda band may purchase of the said Ogden and Fellows, or the survivor of them, or of their heirs or assigns, the entire Tonawanda reservation, or such portions thereof as they may be willing to sell and said band may be willing to purchase; and the United States undertake and agree to pay for the same out of the said sum of \$256,000,

upon the express condition that the rate of purchase shall not exceed, on an average, \$20 per acre.

The land so purchased shall be taken by deed of conveyance to the Secretary of the Interior of the United States and his successors in office; in fee, to be held by him in trust for the said Tonawanda band of Indians and their exclusive use, occupation and enjoyment, until the legislature of the State of New York shall pass an act designating some persons, or public officer of that State, to take and hold said land upon a similar trust for said Indians; whereupon they shall be granted by the said Secretary to such persons or public officer.

ARTICLE 4. And the said Tonawanda band of Indians hereby agree to surrender, relinquish, and give up to the said Ogden and Fellows, the survivor of them, or their assigns—provided the whole reservation shall not be purchased—the unimproved lands which they shall not purchase, as aforesaid, within thirty days after this treaty shall be proclaimed by the President of the United States, and the improved lands which they shall not purchase, as aforesaid, on the 1st day of June, 1859.

ARTICLE 5. For the purpose of con-

tracting for and making purchase of the lands contemplated herein, a majority of the chiefs and headmen of said Tonawanda band, in council assembled, may appoint one or more attorneys with adequate powers, which appointment must be approved by the Secretary of the Interior before such attorney or attorneys can have power to act in the premises.

ARTICLE 6. Whenever a quantity of said lands, amounting to 6,500 acres, at the least, upon the terms hereinbefore provided, may be purchased, written notice, executed by the chiefs and headmen in council, and acknowledged before a justice of the supreme court of New York, or judge of the superior court of the city of Buffalo, shall be given to the Secretary of the Interior, whereupon the portion of said sum of \$256,000, not expended in the purchase of lands, as aforesaid, shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States, at his discretion; and the increase arising from such investment shall be paid to the said Tonawanda Indians, at the time and in the manner that the annuities are paid which

said Indians are now entitled to receive from the United States.

ARTICLE 7. It is hereby agreed that the sum of \$15,018 36 "improvement money," heretofore apportioned to the Indians upon the Tonawanda reservation, shall be again apportioned by an agent, to be appointed by the chiefs and headmen in council assembled, to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and if he concur therein, the shares so ascertained shall be paid to the individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them, or their assigns, their improvements, and any balance remaining shall be paid to the chiefs and headmen of the band, to be disbursed by them in payment of the debts, or for the use of the band. The services of the agent to be thus appointed, and all other expenses attending the execution of these articles, are to be paid by the United States out of any moneys coming to the Tonawandas.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons, representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, *Commissioner*. [L. s.]

Isaac x Shanks. [L. s.]
George x Sky. [L. s.]
Jabez x Ground. [L. s.]

Jesse x Spring. [L. s.]
Ely S. Parker. [L. s.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto at the same time affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.
FREDERICK FOLLETT.
WILLIAM G. BRYAN.
C. B. RICH.
LEANDER MIX.
HENRY BETTINGER.

NICHOLSON H. PARKER,
U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing articles in behalf of themselves and their people:

Jesse x Spring.
Wm. x Parker.
Jabez x Ground.
John x Wilson.
John x Bigfire.
Thomson x Blinkey.
James x Mitten.
John x Joshua.
James x Williams.

George x Sky.
Snow x Cooper.
Isaac x Doctor.
Isaac x Shanks.
William x Moses.
David x Printup.
Benj. x Jonas.
Addison x Charles.
John x Hatch.

Headmen.

John x Smith.
Small x Peter.
John x Beaver.
John x Farmer.
Tommy x White.
John x Griffin.
Geo. x Moses.
Henry x Moses.
Saml. x Blue Sky.
James x Scroggs.
Monroe x Jonas.
Wm. x Johnson.
Jackson x Ground.
Harrison x Scrogg.

Wm. x Alick.
Wm. x Stewart.
Andrew x Blackchief.
John x Infant.
Wm. x Taylor.
James x Billy.
Danl. x Peter.
John x Hill.
John x Jones.
John x Shanks.
Levi x Parker.
John x Jemison.
Chauncey x Abram.

Signed in open council, in presence of—

FREDERICK FOLLETT.

NICHOLSON H. PARKER, *U. S. Interpreter.*

And whereas certain supplemental articles of agreement and convention were also concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, between Charles E. Mix, commissioner on behalf of the United States, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker—which supplemental articles are in the words and figures following, to wit:

Supplemental articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee, State of New York, between Charles E. Mix, commissioner on behalf of the United States, of

the first part, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, of the second part.

Whereas, at the date hereof and concurrent with the execution of this instrument, articles of agreement and convention have been entered into between the parties aforesaid, in and by which articles it is provided that the said Tonawanda band of Seneca Indians may purchase portions of the Tonawanda reservation, "upon the express condition that the rate of purchase shall not exceed \$20 per acre on an average."

And whereas the President of the United States may deem it discreet and expedient that certain portions of said reservation, held in severalty by the assigns of said Ogden and Fellows, should be purchased by said Indians if it shall be necessary so to do, at a rate exceeding \$20 per acre on an average.

Now, therefore, the said parties of the second part agree, that portions of said reservation may be purchased by the authorized agents of said Indians for them, and paid for out of said sum of \$256,000, at a rate exceeding \$20 per acre on an average, provided the contract or contracts therefor shall be first submitted to and approved by the President, or some public officer to be designated by him.

And the said parties of the second part solicit the President to accept and adopt this supplement as a part of the said articles of agreement and convention entered into concurrent with the execution of this agreement.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, *Commissioner*. [L. S.]

Isaac x Shanks. [L. S.]
George x Sky. [L. S.]
Jabez x Ground. [L. S.]

Jesse x Spring. [L. S.]
Ely S. Parker. [L. S.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto, at the same time, affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.
FREDERICK FOLLETT.
WILLIAM G. BRYAN.
C. B. RICH.
LEANDER MIX.
HENRY BETTINGER.

NICHOLSON H. PARKER,
U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing supplemental articles in behalf of themselves and their people :

Lewis x Poodry.
Jesse x Spring.
Wm. x Parker.
Jabez x Ground.
John x Wilson.
Isaac x Shanks.

Thomson x Blinky.
James x Mitten.
John x Joshua.
James x Williams.
Samuel x Parker.
George x Sky.

Snow x Cooper.
Isaac x Doctor.
John x Bigfire.
William x Moses.

David x Printup.
Benj. x Jonas.
Addison x Charles.
John x Hatch.

Headmen.

John x Smith.
Small x Peter.
John x Beaver.
John x Farmer.
Tommy x White.
John x Griffin.
George x Moses.
Henry x Moses.
John x Hill.
John x Jones.
Monroe x Jonas.
Wm. x Johnson.
Jackson x Ground.
Harrison x Scrogg.

Wm. x Alick.
Wm. x Stewart.
Andrew x Blackchief.
John x Infant.
Wm. x Taylor.
James x Billy.
Danl. x Peter.
Saml. x Blue Sky.
James x Scrogg.
John x Shanks.
Levi x Parker.
John x Jemison.
Chauncey x Abram.

Signed in open council, in presence of—

FREDERICK FOLLETT.

NICHOLSON H. PARKER, *U. S. Interpreter.*

And whereas, the said treaty and the supplementary articles thereunto appended, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of June, one thousand eight hundred and fifty-eight, advise and consent to the ratification of the same by a resolution, in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
“June 4, 1858.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Tonawanda band of Seneca Indians, of New York, made the 5th day of November, 1857.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of June the fourth, one thousand eight hundred and fifty-eight, accept, ratify, and confirm the said treaty and supplementary articles.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



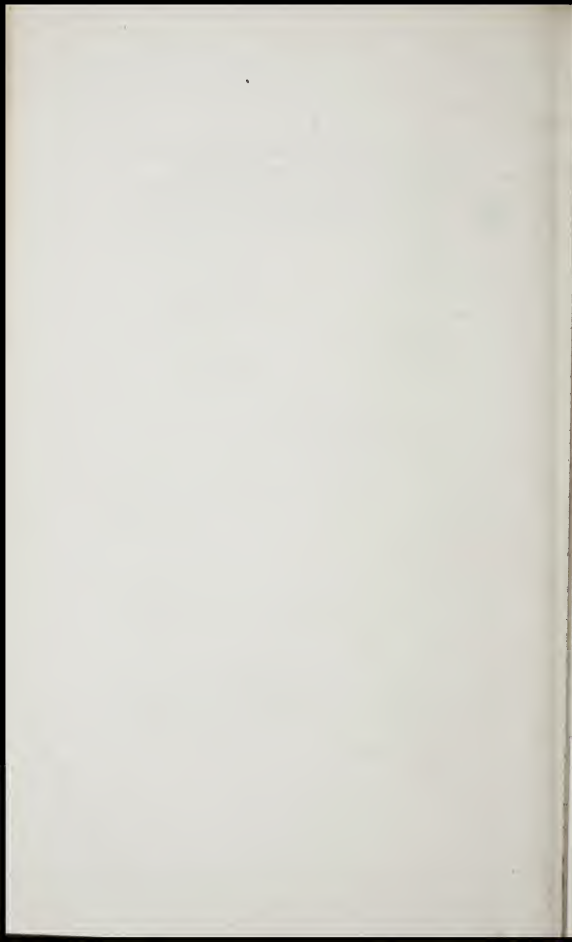
Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS.

Seneca—3



123

TREATY

BETWEEN

THE UNITED STATES

AND THE

PONCA TRIBE OF INDIANS.

MARCH 12, 1858. RATIFIED APRIL 11, 1859.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded, at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and Wa-gah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-moni; A-shno-ni-kah-gah-hi, or Lone Chief; Shu kah-bi, or Heavy Clouds; Tah-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians, they being duly authorized and empowered thereto, by said tribe, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the twelfth day of March, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United States, and Wa-gah-sah-pi, or Whip; Gish-tah-wah-gu, or Strong Walker; Mitchell P. Cera, or Wash-kom-moni; A-shno-ni-kah-gah-hi, or Lone Chief; Shu-kah-bi, or Heavy Clouds; Tah-tungah-nushi, or Standing Buffalo, on the part of the Ponca tribe of Indians, they being thereto duly authorized and empowered by said tribe.

ARTICLE 1. The Ponca tribe of Indians hereby cede and relinquish to the United States all the lands now owned or claimed by them, wherever situate, except the tract bounded as follows, viz: Beginning at a point on the Neobrara river and running due north, so as to intersect the Ponca river, twenty-five miles from its mouth; thence, from said point of intersection, up and along the Ponca river, twenty ——— miles; thence, due south to the Neobrara river; and thence, down and along said river, to the place of beginning; which tract is hereby reserved for the future homes of said Indians, and

to which they agree and bind themselves to remove within one year from the date of the ratification of this agreement by the Senate and President of the United States.

ARTICLE 2. In consideration of the foregoing cession and relinquishment, the United States agree and stipulate as follows, viz:

First. To protect the Poncas in the possession of the tract of land reserved for their future homes, and their persons and property thereon, during good behavior on their part.

Second. To pay to them, or expend

for their benefit, the sum of twelve thousand dollars [\$12,000] per annum, for five years, commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes; ten thousand dollars [\$10,000] per annum, for ten years, from and after the expiration of the said five years; and thereafter, eight thousand dollars [\$8,000] per annum, for fifteen years; of which sums the President of the United States shall, from time to time, determine what proportion shall be paid to the Poncas in cash, and what proportion shall be expended for their benefit, and also in what manner or for what objects such expenditure shall be made. He shall likewise exercise the power to make such provision out of the same as he may deem to be necessary and proper for the support and comfort of the aged and infirm members of the tribe.

In case of any material decrease of the Poncas in number, the said amounts shall be reduced and diminished in proportion thereto, or they may, at the discretion of the President, be discontinued altogether, should said Indians fail to make satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

Third. To expend the sum of twenty thousand dollars [\$20,000] in maintaining and subsisting the Poncas during the first year after their removal to their new homes, purchasing stock and agricultural implements, breaking up and fencing land, building houses, and in making such other improvements as may be necessary for their comfort and welfare.

Fourth. To establish and to maintain for ten years, at an annual expense not to exceed five thousand dollars, [\$5,000,] one or more manual labor schools for the education and training of the Ponca youth in letters, agriculture, the mechanic arts, and housewifery; which school or schools shall be managed and conducted in such manner as the President of the United States shall direct; the Poncas

hereby stipulating to constantly keep thereat, during at least nine months in every year, all their children between the ages of seven and eighteen years; and that if this be not done there shall be deducted from the shares of the annuities due to the parents, guardians, or other persons having control of the children, such amounts as may be proportioned to the deficiency in their time of attendance, compared with the said nine months and the cost of maintaining and educating the children during that period. It is further agreed that such other measures may be adopted to compel the attendance of the children at the school or schools as the President may think proper and direct; and whenever he shall be satisfied of a failure to fulfil the aforesaid stipulation on the part of the Poncas, he may, at his discretion, diminish or wholly discontinue the allowance and expenditure of the sum herein set apart for the support and maintenance of said school or schools.

Fifth. To provide the Poncas with a mill suitable for grinding grain and sawing timber; one or more mechanic shops, with the necessary tools for the same, and dwelling houses for an interpreter, miller, engineer for the mill, if one be necessary; farmer, and the mechanics that may be employed for their benefit, the whole not to exceed in cost the sum of ten thousand five hundred dollars, [\$10,500;] and also to expend annually, for ten years, or during the pleasure of the President, an amount not exceeding seven thousand five hundred dollars, [\$7,500,] for the purpose of furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of said mill, as the Secretary of the Interior may consider advantageous and necessary for them; the Poncas hereby stipulating to furnish from their tribe the number of young men that may be required as apprentices and assistants in the mill and mechanic shops, and at least three persons to work constantly with each laborer employed for them in agricultural pursuits, it being understood that such la-

borers are to be employed more for the instruction of the Indians than merely to work for their benefit. The persons so to be furnished by the tribe shall be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior.

The Poncas further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mill, machinery, stock, farming utensils, or any other thing furnished them by the government; and in case of any such destruction or injury, or of any of the things so furnished being carried off by any member or members of their tribe, the value of the same shall be deducted from the tribal annuities. And whenever the President shall be satisfied that the Poncas have become sufficiently confirmed in habits of industry, and advanced in acquiring a practical knowledge of agriculture and the mechanic arts, he may, at his discretion, cause to be turned over to the tribe all of the said houses and other property furnished them by the United States, and dispense with the services of any or all of the persons hereinbefore stipulated to be employed for their benefit and assistance.

Sixth. To provide and set apart the sum of twenty thousand dollars, [\$20,000,] to enable the Poncas to adjust and settle their existing obligations and engagements, including depredations committed by them on property of citizens of the United States prior to the date of the ratification of this agreement, so far as the same may be found and decided by their agent to be valid and just, subject to the approval of the Secretary of the Interior; and in consideration of the long continued friendship and kindness of Joseph Hollman and William G. Crawford towards the Poncas, of their furnishing them, when in distress, with large quantities of goods and provisions, and of their good counsel and advice, in consequence of which peace has often been preserved between the Poncas and other Indians and the whites, it is agreed, that out of the above mentioned

amount they shall be paid the sum of three thousand five hundred dollars, [\$3,500;] and the sum of one thousand dollars [\$1,000] shall in like manner be paid to Jesse Williams, of Iowa, in full for his claim, as such has been admitted by the Poncas for depredations committed by them on his property.

ARTICLE 3. The Poncas, being desirous of making provision for their half-breed relatives, it is agreed that those who prefer and elect to reside among them shall be permitted to do so, and be entitled to and enjoy all the rights and privileges of members of the tribe; but to those who have chosen and left the tribe to reside among the whites, and follow the pursuits of civilized life, viz: Charles Leclaire, Fort Pierre, N. T.; Cillaste Leclaire, Pottowattomie, K. T.; Ciprian Leclaire, St. Louis, Missouri; Julia Harvey, Omaha, N. T.; Jenny Ruleau, Sioux City, Iowa; David Leclaire, Amelia Deloge, and Laura Deloge, at the Omaha mission, there shall be issued scrip for one hundred and sixty acres of land, each, which shall be receivable at the United States land offices in the same manner, and be subject to the same rules and regulations, as military bounty land warrants. And in consideration of the faithful services rendered to the Poncas by Francis Roy, their interpreter, it is agreed that scrip shall, in the like manner and amount, be issued to his wife, and to each of his six children now living, without their being required to leave the nation: *Provided*, That application for the said scrip shall be made to the Commissioner of Indian Affairs within five years from and after the date of the ratification of this agreement.

ARTICLE 4. The United States shall have the right to establish and maintain such military posts, roads, and Indian agencies, as may be deemed necessary within the tract of country hereby reserved for the Poncas, but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, and

agencies, the property of any Ponca shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. And all roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said tract, shall have the right of way through the same, the fair and just value of such right being paid to the Poncas therefor by the party or parties authorizing the same or interested therein, to be assessed and determined in such manner as the President of the United States shall direct.

ARTICLE 5. No white person, unless in the employment of the United States, or duly licensed to trade with the Poncas, or members of the family of such persons, shall be permitted to reside or to make any settlement, upon any part of the tract herein reserved for said Indians, nor shall the latter alienate, sell, or in manner dispose of any portion thereof, except to the United States; but, whenever they may think proper, they may divide said tract among themselves, giving to each head of a family, or single person, a farm, with such rights of possession, transfer to any other member of the tribe, or of descent to their heirs and representatives, as may be in accordance with the laws, customs, and regulations of the tribe.

ARTICLE 6. Such persons as are now lawfully residing on the lands herein ceded by the Poncas shall each have the privilege of entering one hundred and sixty acres thereof, to include any improvements they may have, at one dollar and twenty-five cents per acre.

ARTICLE 7. The Poncas acknowledge their dependence upon the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe; but, in case of any such injury or depredation,

full compensation shall, as far as practicable, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe, unless in self-defence; but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree, whenever called upon by the proper officer, to deliver up all offenders against the treaties, laws, or regulations of the United States, who may be within the limits of their reservation, and to assist in discovering, pursuing, and capturing all such offenders, whenever required to do so by such officer.

ARTICLE 8. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Poncas shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Poncas, they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

ARTICLE 9. No part of the annuities of the Poncas shall be taken to pay any claims or demands against them, except such as may arise under this agreement, or under the trade and intercourse laws of the United States; and the said Indians do hereby fully relinquish, and release the United States from all demands against them on the part of the tribe or any individuals thereof, except such as are herein stipulated and provided for.

ARTICLE 10. The expenses connected with the negotiation of this agreement shall be paid by the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned delegates and representatives of the Ponca tribes of Indians, have hereunto set their names and seals, at the place and on the day hereinbefore written.

CHARLES E. MIX, *Commissioner*. [L. S.]

Wah-gah-sah-pi, or Whip,	his x mark.	[L. S.]
Gish-tah-wah-gu, or Strong Walker,	his x mark.	[L. S.]
Mitchell P. Cera, or Wash-kom-mo-ni,	his x mark.	[L. S.]
A-shno-ni-kah-gah-hi, or Lone Chief,	his x mark.	[L. S.]
Shu-kah-bi, or Heavy Clouds,	his x mark.	[L. S.]
Sah-tungah-nushi, or Standing Buffalo,	his x mark.	[L. S.]

Executed in the presence of—

EDWARD HANRICK.

E. R. GRAYSON.

JAMES R. ROCHE.

MOSES KELLY.

JOSEPH HOLLMAN.

JNO. WM. WELLS.

J. B. ROBERTSON, *U. S. Indian Agent*.

HENRY FONTENELLE, *U. S. Interpreter*.

FRANCIS ROY, his x mark.

And, whereas, the said treaty having been submitted to the Senate for its constitutional action thereon, the Senate did, on the eighth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 8, 1859.

“Resolved, (two-thirds of the senators concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at the city of Washington, the 12th day of March, 1858, between the United States and the Ponca tribe of Indians.

“Attest:

“ASBURY DICKINS, *Secretary*.”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eighth of March, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.



Done at the city of Washington, this eleventh day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

1858

TREATY

BETWEEN

THE UNITED STATES

AND THE

YANCTON TRIBE

OF

SHIOUX OR DACOTAH INDIANS.

APRIL 19, 1858.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, on the nineteenth day of April, one thousand eight hundred and fifty-eight, by Charles E. Mix, as a commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton tribe of Sioux or Dacotah Indians, viz:

Pa-la-ne-a-pa-pe, the man that was struck by the Ree; Ma-to-sa-be-che-a, the smutty bear; Charles F. Picotte, Eta-ke-cha; Ta-ton-ka-wete-co, the crazy hull; Pse-cha-wa-kea, the jumping thunder; Ma-ra-ha-ton, the iron horn; Nombekah-pah, one that knocks down two; Ta-ton-ka-e-yah-ka, the fast bull; A-ha-kama-ne, the walking elk; A-ha-ka-na-zhe, the standing elk; A-ha-ka-ho-che-cha, the elk with a bad voice; Cha-ton-wo-ka-pa, the grabbing hawk; E-hawe-cha-sha, the owl man; Pla-son-wa-kan-na-ge, the white medicine cow that stand; Ma-ga-scha-che-ka, the little white swan; Oke-che-la-wash-ta, the pretty hoy. They being thereto duly authorized by said tribe, which treaty is in the following words to wit:

Articles of agreement and convention made and concluded at the city of Washington, this nineteenth day of April, A. D. one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and delegates of the Yancton tribe of Sioux or Dacotah Indians, viz: Pa-la-ne-a-pa-pe, the man that was struck by the Ree; Ma-to-sa-be-che-a, the smutty bear; Charles F. Picotte, Eta-ke-cha; Ta-ton-ka-wete-co, the crazy bull; Pse-cha-wa-kea, the jumping thunder; Ma-ra-ha-ton, the iron horn; Nombekah-pah, one that knocks down two; Ta-ton-ka-eyah-ka, the fast bull; A-ha-kama-ne, the walking elk; A-ha-ka-na-zhe, the standing elk; A-ha-ka-ho-che-cha, the elk with a bad voice; Cha-ton-wo-ka-pa, the grabbing hawk; E-hawe-cha-sha, the owl man; Pla-son-wa-kan-na-ge, the white medicine cow that stands; Ma-ga-scha-che-ka, the little white swan; Oke-che-la-wash-ta, the pretty hoy; (the three last names signed by their duly authorized agent and representative, Charles F. Picotte,) they being thereto duly authorized and empowered by said tribe of Indians.

ARTICLE 1. The said chiefs and delegates of said tribe of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except four hundred thousand acres thereof, situated and described as follows, to wit: Beginning at the mouth of the Naw-izi-

wa-koo-pah or Chouteau river and extending up the Missouri river thirty miles; thence due north to a point; thence easterly to a point on the said Chouteau river; thence down said river to the place of beginning, so as to include the said quantity of four hundred thousand acres. They, also, hereby relinquish and abandon all claims and complaints about or growing out of any and all treaties heretofore made by them or other Indians, except their annuity rights under the treaty of Laramie, of September 17, A. D. 1851.

ARTICLE 2. The land so ceded and relinquished by the said chiefs and delegates of the said tribe of Yanctons is and shall be known and described as follows, to wit: "Beginning at the mouth of the Tchan-kas-an-data or Calumet or Big Sioux river; thence up the Missouri river to the mouth of the Pah-wa-kan or East Medicine Knoll river; thence up said river to its head; thence in a direction to the head of the main fork of the Wan-dush-kah-for or Snake river; thence down said river to its junction with the Tchan-san-san or Jaques or James river; thence in a direct line to the northern point of lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux river; thence down the Big Sioux river to its junction with the Missouri river." And they also cede and relinquish to the United States all their right and title to and in all the islands of the Missouri river, from the mouth of the Big Sioux to the mouth of the Medicine Knoll river.

And the said chiefs and delegates hereby stipulate and agree that all the lands embraced in said limits are their own, and that they have full and exclusive right to cede and relinquish the same to the United States.

ARTICLE 3. The said chiefs and delegates hereby further stipulate and agree that the United States may construct and use such roads as may be hereafter necessary across their said reservation by the consent and permission of the

Secretary of the Interior, and by first paying the said Indians all damages and the fair value of the land so used for said road or roads, which said damages and value shall be determined in such manner as the Secretary of the Interior may direct. And the said Yanctons hereby agree to *remove* and *settle* and *reside* on said reservation within one year from this date, and, until they do so remove, (if within said year,) the United States guarantee them in the quiet and undisturbed possession of their present settlements.

ARTICLE 4. In consideration of the forgoing cession, relinquishment, and agreements, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Yanctons in the quiet and peaceable possession of the said tract of four hundred thousand acres of land so reserved for their future home, and also their persons and property thereon during good behavior on their part. 2d. To pay to them, or expend for their benefit, the sum of sixty-five thousand dollars per annum, for ten years, commencing with the year in which they shall remove to, and settle and reside upon, their said reservation—forty thousand dollars per annum for and during ten years thereafter—twenty-five thousand dollars per annum for and during ten years thereafter—and fifteen thousand dollars per annum for and during twenty years thereafter; making *one million six hundred thousand dollars in annuities in the period of fifty years*, of which sums the President of the United States shall, from time to time, determine what proportion shall be paid to said Indians, in cash, and what proportion shall be expended for their benefit, and, also, in what manner and for what objects such expenditures shall be made, due regard being had in making such determination to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm, and helpless orphans of the

said Indians. In case of any material decrease of said Indians, in number, the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto—or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition, in which case, such other provision shall be made for them as the President and Congress may judge to be suitable and proper. 3d. In addition to the foregoing sum of one million and six hundred thousand dollars as annuities, to be paid to or expended for the benefit of said Indians, during the period of fifty years, as before stated, the United States hereby stipulate and agree to expend for their benefit the sum of fifty thousand dollars more, as follows, to wit: Twenty-five thousand dollars in maintaining and subsisting the said Indians during the first year after their removal to and permanent settlement upon their said reservation; in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land; in the erection of houses, store-houses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare. 4th. To expend ten thousand dollars to build a school house or school houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery, which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct. The said Indians hereby stipulating to keep constantly thereat, during at least nine months in the year, all their children between the ages of seven and eighteen years; and if any of the papers, or others having the care of children, shall refuse or neglect to send them to school, such parts of their an-

nuities as the Secretary of the Interior may direct shall be withheld from them and applied as he may deem just and proper; and such further sum, in addition to the said ten thousand dollars, as shall be deemed necessary and proper by the President of the United States, shall be reserved and taken from their said annuities, and applied annually, during the pleasure of the President, to the support of said schools, and to furnish said Indians with assistance and aid and instruction in agriculture and mechanical pursuits, including the working of the mills, hereafter mentioned, as the Secretary of the Interior may consider necessary and advantageous for said Indians; and all instruction in readings shall be in the English language. And the said Indians hereby stipulate to furnish, from amongst themselves, the number of young men that may be required as apprentices and assistants in the mills and mechanic shops, and at least three persons to work constantly with each white laborer employed for them in agriculture and mechanical pursuits, it being understood that such white laborers and assistants as may be so employed are thus employed more for the instruction of the said Indians than merely to work for their benefit; and that the laborers so to be furnished by the Indians may be allowed a fair and just compensation for their services, to be fixed by the Secretary of the Interior, and to be paid out of the shares of annuity of such Indians as are able to work, but refuse or neglect to do so. And whenever the President of the United States shall become satisfied of a failure, on the part of said Indians, to fulfil the aforesaid stipulations, he may, at his discretion, discontinue the allowance and expenditure of the sums so provided and set apart for said school or schools and assistance and instruction. 5th. To provide the said Indians with a mill suitable for grinding grain and sawing timber; one or more mechanic shops, with the necessary tools for the same; and dwelling-houses for an interpreter, miller, engineer for the mill, (if

one be necessary,) a farmer, and the mechanics that may be employed for their benefit, and to expend therefor a sum not exceeding fifteen thousand dollars.

ARTICLE 5. Said Indians further stipulate and bind themselves to prevent any of the members of their tribe from destroying or injuring the said houses, shops, mills, machinery, stock, farming utensils, or any other thing furnished them by the government, and in case of any such destruction or injury of any of the things so furnished, or their being carried off by any member or members of their tribe, the value of the same shall be deducted from their general annuity; and whenever the Secretary of the Interior shall be satisfied that said Indians have become sufficiently confirmed in habits of industry, and advanced in the acquisition of a practical knowledge of agriculture and the mechanic arts to provide for themselves, he may, at his discretion, cause to be turned over to them all of the said houses and other property furnished them by the United States, and dispense with the services of any or all the persons hereinbefore stipulated to be employed for their benefit, assistance, and instruction.

ARTICLE 6. It is hereby agreed and understood that the chiefs and headmen of said tribe may, in their discretion, in open council, authorize to be paid out of their said annuities such a sum or sums as may be found to be necessary and proper, not exceeding in the aggregate one hundred and fifty thousand dollars, to satisfy their just debts and obligations, and to provide for such of their half-breed relations as do not live with them, or draw any part of the said annuities of said Indians: *Provided*, *however*, That their said determinations shall be approved by their agent for the time being, and the said payments authorized by the Secretary of the Interior: *Provided, also*, That there shall not be so paid out of their said annuities in any one year, a sum exceeding fifteen thousand dollars.

ARTICLE 7. On account of their valu-

able services and liberality to the Yancions, there shall be granted in fee to Charles F. Picotte and Zephyr Bencon-tre, each, one section of six hundred and forty acres of land, and to Paul Dorian one-half a section, and to the half-breed Yancion, wife of Charles Reulo, and her two sisters, the wives of Eli Bedaub and Augustus Traverse, and to Louis Le Count, each, one-half a section. The said grants shall be selected in said ceded territory, and shall not be within said reservation, nor shall they interfere in any way with the improvements of such persons as are on the lands ceded above by authority of law; and all other persons (other than Indians, or mixed bloods) who are now residing within said ceded country, by authority of law, shall have the privilege of entering one hundred and sixty acres thereof, to include each of their residences or improvements, at the rate of one dollar and twenty-five cents per acre.

ARTICLE 8. The said Yancion Indians shall be secured in the free and unrestricted use of the Red Pipe-stone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes; and the United States hereby stipulate and agree to cause to be surveyed and marked so much thereof as shall be necessary and proper for that purpose, and retain the same and keep it open and free to the Indians to visit and procure stone for pipes so long as they shall desire.

ARTICLE 9. The United States shall have the right to establish and maintain such military posts, roads, and Indian agencies, as may be deemed necessary, within the tract of country herein reserved for the use of the Yancions; but no greater quantity of land or timber shall be used for said purposes than shall be actually requisite; and if, in the establishment or maintenance of such posts, roads, and agencies, the property of any Yancion shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States.

ARTICLE 10. No white person, unless in the employment of the United States, or duly licensed to trade with the Yancions, or members of the families of such persons, shall be permitted to reside or make any settlement upon any part of the tract herein reserved for said Indians, nor shall said Indians alienate, sell, or in any manner dispose of any portion thereof, except to the United States; whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just.

ARTICLE 11. The Yancions acknowledge their dependence upon the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of members of any other tribe or nation of Indians; and in case of any such injuries or depredations by said Yancions full compensation shall, as far as possible, be made therefor out of their tribal annuities, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with any other tribe or nation, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officer of the United States all offenders against the treaties, laws, or regulations of the United States, and to assist in discovering, pursuing, and capturing all such offenders, who may be within the limits of their reservation, whenever required to do so by such officer.

ARTICLE 12. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Yancions shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Yancions they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct.

ARTICLE 13. No part of the annuities of the Yancions shall be taken to pay any debts, claims, or demands against them, except such existing claims and demands as have been herein provided for, and except such as may arise under this agreement, or under the trade and intercourse laws of the United States.

ARTICLE 14. The said Yancions do hereby fully acquit and release the United States from all demands against them on the part of said tribe, or any individual thereof, except the before mentioned right of the Yancions to receive as annuity under said treaty of Laramie, and except, also, such as are herein stipulated and provided for.

ARTICLE 15. For the special benefit of the Yancions, parties to this agreement, the United States agree to appoint an agent for them, who shall reside on their said reservation, and shall have set apart for his sole use and occupation, at such a point as the Secretary of the Interior may direct, one hundred and sixty acres of land.

ARTICLE 16. All the expenses of the making of this agreement and of surveying the said Yancion reservation, and of surveying and making said Pipe-stone quarry, shall be paid by the United States.

ARTICLE 17. This instrument shall take effect and be obligatory upon the contracting parties whenever ratified by the Senate and the President of the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned chiefs, delegates, and representatives of the said tribe of Yancton Indians, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [L. s.]

PA-LA-NE-APA-PE, or the man that was struck by the Ree, his
x mark.

[L. s.]

MA-TO-SA-BE-CHE-A, or the smutty bear, his x mark.

[L. s.]

CHARLES F. PICOTTE, or ETA-KE-CHA, his x mark.

[L. s.]

TA-TON-KA-WETE-CO, or The crazy bull, his x mark.

[L. s.]

PSE-CHA-WA-KEA, or The jumping thunder, his x mark.

[L. s.]

MA-RA-HA-TON, or the iron horn, his x mark.

[L. s.]

NOMBE-KAH-PAH, or One that knocks down two, his x mark.

[L. s.]

TA-TON-KA-E-YAH-KA, or The fast bull, his x mark.

[L. s.]

A-HA-KA-MA-NE, or The walking elk, his x mark.

[L. s.]

A-HA-KA-NA-ZHE, or The standing elk, his x mark.

[L. s.]

A-HA-KA-HO-CHE-CHA, or The elk with a bad voice.

[L. s.]

CHA-TON-WO-KA-PA, or The grabbing hawk, his x mark.

[L. s.]

E-HA-WE-CHA-SHA, or The owl man, his x mark.

[L. s.]

PLA-SON-WA-KAN-NA-GE, or the white medicine cow that
stands, by his duly authorized delegate and representative,
Charles F. Picotte.

[L. s.]

MA-GA-SCH-CHE-KA, or The little white swan, by his duly
authorized delegate and representative, Charles F. Picotte.

[L. s.]

O-KE-CHE-LA-WASA-TA, or pretty boy, by his duly authorized
delegate and representative, Charles F. Picotte.

[L. s.]

Executed in the presence of—

A. H. REDFIELD, *Agent*.

J. B. S. TODD,

THEOPHILE BRUGUIER,

JOHN DOWLING,

FR. SCHMIDT,

JOHN W. WELLS,

D. WALKER,

E. B. GRAYSON,

S. J. JOHNSON,

GEORGE P. MAPES,

H. BITTINGER,

D. C. DAVIS,

ZEPHIER ^{his} RONCONTRE,
mark.

U. S. Interpreter.

Witness : J. B. S. TODD.

^{his}
PAUL x DORIAN,
mark.

^{his}
CHARLES x RULO.
mark.

Witness : J. B. S. TODD.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 16th day of February, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by the following resolution :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 16, 1859.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Yankton tribe of Sioux or Dacotah Indians. Signed the 19th day of April, 1858.

Attest :

ASBURY DICKINS, *Secretary*.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixteenth day of February, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this twenty-sixth day of February, in the year of our Lord, one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State*.



1854

TREATY

BETWEEN

THE UNITED STATES

AND THE

MENDAWAKANTON AND WAHPAKOOTA BANDS

OF

DAKOTA OR SIOUX TRIBE OF INDIANS.

JUNE 19, 1858.





JAMES BUCHANAN,
PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz: Wabashaw, Chetanakooamonee, Wasuhiyakidan, Shakopee, Wamindeetonkee, Muzzaojanjan, Tachunrpeemuz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wamouisa, braves, on the part of the Mendawakantons, and Hushawshaw chiefs, and Papa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly authorized and empowered to act for said bands; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner, on the part of the United States, and the following named chiefs and headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz: Wabashaw, Chetanakooamonee, Washuhiyahidan, Shakopee, Wamindeetonkee, Muzzaojanjan, and Makawto, chiefs, and Hinhanduta, Ha-raka-Muzza, Wakanojanjan, Tachunrpeemuz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wamouisa, braves, on the part of the Mendawakantons, and Hushawshaw, chief, and Pa-Pa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly authorized and empowered to act for said bands.

ARTICLE 1. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians, and which is described in the third arti-

cle of the treaty made with them on the fifth day of August, one thousand eight hundred and fifty-one, which lies south or southwestwardly of the Minnesota river, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys,

be allotted in severalty to each head of a family or single person over the age of twenty-one years, in said bands of Indians, said allotments to be so made as to include a proper proportion of timbered land, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted shall be held by said bands in common, and as other Indian lands are held: *Provided, however*, That eighty acres thereof, as near as may be, shall, in like manner as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becoming heads of families by contracting marriage, if neither of the parties shall have previously received land.

All the necessary expenses of the surveys and allotments thus provided for shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

As the members of said bands become capable of managing their business and affairs, the President of the United States may, at his discretion, cause patents to be issued to them for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale, or forfeiture, until otherwise provided for by the legislature of the State in which they are situated, with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of, except to the United States or to members of said bands.

ARTICLE 2. Whereas by the treaty with the Mendawakanton and Wahpakoota bands of Sioux Indians, concluded at Mendota on the fifth day of August, one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota river," extending from Little Rock river to the Tchatamba and Yellow Medicine rivers, which land was to "be held by said bands in common."

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart said land as a home for said bands, and made provision for the payment to said bands "at the rate of ten cents per acre for the lands included in the" said tract so reserved and set apart for the "occupancy and home" of said bands, and also provided, in addition thereto, that there should be "set apart, by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the first article of the" said treaty as should "be satisfactory for their future occupancy and home," said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians.

And whereas the President so far varied the conditions of said Senate amendment as to permit said bands to locate for the time being upon the tract originally reserved by said bands for a home, and no "tracts of country without the limits of the cession" made in the said treaty has ever been provided for or offered to said bands.

And whereas by the "act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes," approved July 31, 1854, the President was authorized to confirm to the Sioux of Minnesota forever the reserve on the Minnesota river now occupied by them, upon such conditions as he may deem just.

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that as they were entitled to receive "such tracts of country" as should "be satisfactory for their future occupancy and home," and as no such country has been provided for or offered to said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title; and if they have,

what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota river—whether they shall be allowed a specific sum of money therefor, and if so, how much, or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto. Such sale, if decided in favor of by the Senate, shall be made under and according to regulations to be prescribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land.

ARTICLE 3. It is also agreed that if the Senate shall authorize the land designated in article two of this agreement to be sold for the benefit of the said Mendawakanton and Wahpakoota bands, or shall prescribe an amount to be paid said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council, authorize to be paid out of the proceeds of said tract such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands upon their return: *Provided, however*, That their said determinations shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

ARTICLE 4. The lands retained and to be held by the members of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians, under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever, be deemed and held to be an Indian reservation; and the laws which have been or may hereafter be enacted by Congress to regulate trade and intercourse with the Indian tribes shall have full force and effect over and within the limits of the same; and no person other

than the members of the said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe, unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons, shall be permitted to reside or make any settlement upon any part of said reservation; and the timbered land allotted to individuals, and also that reserved for subsequent distribution as provided in the first article of this agreement, shall be free from all trespass, use, or occupation, except as hereinafter provided.

ARTICLE 5. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements, as may be deemed necessary, but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if, in the establishment or maintenance of such posts, agencies, roads, or other improvements, the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same, upon the fair and just value of such right being paid to the said Mendawakanton and Wahpakoota bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

ARTICLE 6. The Mendawakanton and Wahpakoota bands of Dakota or Sioux Indians acknowledge their dependence on the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of the members of any other tribe; but in case of any

such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States; the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any other tribe unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians, for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officers all persons belonging to their said hands who may become offenders against the treaties, laws, or regulations of the United States, or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

ARTICLE 7. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the members of the said Mendawakanton and Wahpakoota bands of Sioux Indians shall drink, or procure for others, intoxicating liquors, their proportion of the annuities of said hands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation of any of the stipulations of this agreement on the part of any members of said hands, the persons so offending shall be liable to have their annuities withheld and to be subject to such other punishment as the Secretary of the Interior may prescribe.

ARTICLE 8. Such of the stipulations of former treaties as provided for the payment of particular sums of money to the said Mendawakanton and Wahpakoota hands, or for the application and expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts

which have accrued and are now due to said hands, together with the amount the said hands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said hands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed, that such change may be made in the stipulations of former treaties which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said hands or any of the subdivisions of said hands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditure of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said hands or subdivisions thereof.

ARTICLE 9. As the Senate struck from the treaty with the Mendawakanton band of Sioux of the twenty-ninth day of September, one thousand eight hundred and thirty-seven, the ninth clause of the second article and the whole of the third article of said treaty, which provided for the payment of four hundred and fifty (450) dollars annually, for twenty years, to Scott Campbell, and confirmed to the said Scott Campbell a title to five hundred (500) acres of land which he then occupied, said payment and land being deemed by said Indians to form a part of the consideration for which they ceded to the United States a certain tract of land in said treaty specified, which reduction, in the consideration for said land, has never been sanctioned by said Indians, the said Mendawakantons and Wahpakoota hands now request that provision be made for the payment of the sum of ten thousand (10,000) dollars to A. J. Campbell, the son of said Scott Campbell, now deceased, in full consideration of the money stipulated to be paid and land confirmed to said Scott Campbell in the original draft

of said treaty aforesaid; which subject is hereby submitted to the Senate for its favorable consideration. ARTICLE 10. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

In testimony whereof, the said Charles E. Mix, Commissioner, as aforesaid, and the undersigned chiefs and headmen of the said Mendawakanton and Wahpaukoota bands, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner.* [L. S.]

Wa-bash-aw,	his x mark.	[L. S.]
Che-tan-a-koo-a-mo-nee, (Little Crow,)	his x mark.	[L. S.]
Wa-su-hi-ya-hi-dan,	his x mark.	[L. S.]
Sha-ko-pee, (Six,)	his x mark.	[L. S.]
Wa-min-dee-ton-kee, (Large War Eagle,)	his x mark.	[L. S.]
Muz-za-o-jan-jan, (Iron Light,)	his x mark.	[L. S.]
Ma-kaw-to, (Blue Earth,)	his x mark.	[L. S.]
Hu-shaw-shaw, (Red Legs,)	his x mark.	[L. S.]
Hin-han-du-ta, (Scarlet Owl,)	his x mark.	[L. S.]
Ha-raka-Muz-za, (Iron Elk,)	his x mark.	[L. S.]
Wu-ka-no-jan-jan, (Medicine Light,)	his x mark.	[L. S.]
Ta-chunr-pee-Muzza, (His Iron War Club,)	his x mark.	[L. S.]
Wa-kin-yan-to-wa, (Owns the Thunder,)	his x mark.	[L. S.]
Chunr-pi-you-ha, (Has a War Club,)	his x mark.	[L. S.]
On-kee-ter-hi-dan, (Little Whale,)	his x mark.	[L. S.]
Wa-mo-u-i-sa, (The Thief,)	his x mark.	[L. S.]
Pa-Pa, (Sharp,)	his x mark.	[L. S.]
Ta-ta-i-boim-du, (Scattering Wind,)	his x mark.	[L. S.]

Signed, sealed and delivered in presence of—

JOSEPH R. BROWN, *Sioux Agent.*

A. J. CAMPBELL, *Interpreter.*

N. R. BROWN.

A. ROBERTSON.

JOHN DOWLING.

JAMES R. ROCHE.

B. D. HYAM.

H. J. MYRICK.

THOS. A. ROBERTSON,

FR. SCHMIDT.

And, whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 3, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention

made and concluded on the 19th day of June, 1858, with the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians.

"Attest:

"ASBURY DICKINS, *Secretary.*"

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March the ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty and supplementary articles.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

145

TREATY

BETWEEN

THE UNITED STATES

AND THE

SISEETON AND WAHPATON BANDS

OF THE

DAKOTA OR SIOUX TRIBE OF INDIANS.

JUNE 19, 1858.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded, at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and the following named chiefs and headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz: Maz-zah shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz: Maz-zah-shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands.

ARTICLE 1. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Sisseton and Wahpaton bands of the Dakota or Sioux Indians, and which is described in the third article of the treaty made with them on the twenty-third day of July, one thousand

eight hundred and fifty-one, which lies south or southwestwardly of the Minnesota river, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family or single person over the age of twenty-one years, in said bands of Indians, said allotments to be so made

as to include a proper proportion of timbered land, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted shall be held by said bands in common, and as other Indian lands are held: *Provided*, however, that eighty acres thereof, as near as may be, shall in like manner, as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becoming heads of families, by contracting marriage, if neither of the parties shall have previously received land. All the necessary expenses of the surveys and allotments thus provided for shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

As the members of said bands become capable of managing their business and affairs, the President of the United States may at his discretion cause patents to be issued to them for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale, or forfeiture, until otherwise provided for by the legislature of the State in which they are situated, with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of, except to the United States or to members of said bands.

ARTICLE 2. Whereas, by the treaty with the Sisseton and Wahpaton bands of Sioux Indians, concluded at Traverse des Sioux on the twenty-third day of July, one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, all that tract of country on the Minnesota river, from the western boundary" of the cession therein made "east to the Tcha-tam-ba river on the north, and to the Yellow Medicine river on the south side, to extend on each side a distance of not less than ten miles from the general course of said Minnesota river."

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart

the said land as a home for said bands, and made provision for the payment to said bands, "at the rate of ten cents per acre, for the land included in the said tract so retained and set apart for the occupancy and home" of said bands, and also provided, in addition thereto, that there should be "set apart by appropriate land marks and boundaries such tracts of country without the limits of the cession made by the first article of the said treaty as shall be satisfactory for their future occupancy and home;" said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians.

And whereas the President so far varied the conditions of said Senate amendment as to permit said bands to locate for the time being upon the tract originally reserved by said bands for a home, and "no tract of country, without the limits of the cession" made in the said treaty, has ever been provided for or offered to said bands.

And whereas, by the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, approved July 31, 1854, the President was authorized "to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota river now occupied by them, upon such conditions as he may deem just."

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that, as they were entitled to receive "such tracts of country" as should "be satisfactory for their future occupancy and home," and as no other country than this reservation was ever provided for or offered to them, and as valuable improvements have been made on said reservation with the moneys belonging to said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title,

and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota river; whether they shall be allowed a specific sum of money therefor, and if so, how much; or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto. Such sale, if decided in favor of by the Senate, shall be made under and according to regulations to be prescribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land.

ARTICLE 3. It is also agreed that if the Senate shall authorize the land designated in article 2 of this agreement to be sold for the benefit of the said Sisseton and Wahpaton bands, or shall prescribe an amount to be paid to said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council, authorize to be paid out of the proceeds of said tract such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands on their return: *Provided*, however, That their said determinations shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

ARTICLE 4. The lands retained and to be held by the members of the Sisseton and Wahpaton bands of Dakota or Sioux Indians, under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever, be deemed and held to be an Indian reservation, and the laws which have been or may hereafter be enacted by Congress to regulate trade and intercourse with the Indian tribes shall have full force and effect over and within the limits of the same; and no person other than the

members of said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe—unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons—shall be permitted to reside or make any settlement upon any part of said reservation; and the timbered land allotted to individuals, and also that reserved for subsequent distribution, as provided in the first part of this agreement, shall be free from all trespass, use or occupation, except as hereinafter provided.

ARTICLE 5. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements as may be deemed necessary; but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if in the establishment or maintenance of such posts, agencies, roads, or other improvements, the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same upon the fair and just value of such right being paid to the said Sisseton and Wahpaton bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

ARTICLE 6. The Sisseton and Wahpaton bands of Dakota or Sioux Indians acknowledge their dependence on the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of the members of any other tribe; but in case of any

such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any other tribe, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officers all persons belonging to their said bands who may become offenders against the treaties, laws, or regulations of the United States or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

ARTICLE 7. To aid in preventing the evils of intemperance it is hereby stipulated that if any of the members of the said Sisseton and Wahpaton bands of Sioux Indians shall drink or procure for others intoxicating liquors, their proportion of the annuities of said bands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation of any of the stipulations of this agreement on the part of any member of said bands, the persons so offending shall be liable to have their annuities withheld, and to be subject to such other punishment as the Secretary of the Interior may prescribe.

ARTICLE 8. Any members of said Sisseton and Wahpaton bands who may be desirous of dissolving their tribal connexion and obligations, and of locating beyond the limits of the reservation provided for said bands, shall have the privilege of so doing by notifying the

United States agent of such intention, and making an actual settlement beyond the limits of said reservation; shall be vested with all the rights, privileges, and immunities, and be subject to all the laws, obligations, and duties of citizens of the United States. But such procedure shall work no forfeiture on their part of the right to share in the annuities of said bands.

ARTICLE 9. Such of the stipulations of former treaties as provide for the payment of particular sums of money to the said Sisseton and Wahpaton bands, or for the application or expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts which have accrued and are now due to said bands, together with the amount the said bands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said bands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed that such change may be made in the stipulations of former treaties, which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said bands, or any of the subdivisions of said bands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditure of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said band or subdivisions thereof.

ARTICLE 10. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned chiefs and headmen of the said Sisseton and Wahpaton bands, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [SEAL.]

Muz-zah-shaw, (Red Iron,)	his x mark.	[SEAL.]
Wam-du-pi-du-tah, (War Eagle's Scarlet Tail,)	his x mark.	[SEAL.]
Ojupi, (The Planter,)	his x mark.	[SEAL.]
Ha-hu-ta-nia, (The Stumpy Horn,)	his x mark.	[SEAL.]
Maz-zo-ma-nee, (Walking Iron,)	his x mark.	[SEAL.]
Maz-za-koote-mancee, (Shoots Iron as he Walks,)	his x mark.	[SEAL.]
Upi-ya-hi-de-yaw, (Chief of Lac qui Parle,)	his x mark.	[SEAL.]
Umpe-du-to-ke-chaw, (Other Day,)	his x mark.	[SEAL.]
Ta-chan-du-pa-ho-tan-ka, (His Pipe with Strong Voice,)	his x mark.	[SEAL.]

Signed, sealed and delivered in presence of—

JOSEPH R. BROWN, *Sioux Agent*.

A. J. CAMPBELL, *Interpreter*.

A. ROBERTSON.

JOHN DOWLING.

N. R. BROWN.

FRIEDRICH SCHMIDT.

M. SMITSER.

B. D. HYAM.

P. F. WOOD.

CHARLES CRAWFORD.

JAMES R. ROCHE.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 9, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the 19th day of June, 1858, with the Sisseton and Wahpaton bands of the Dakota or Sioux Indians.

“Attest:

“ASBURY DICKINS, *Secretary*.”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent

of the Senate, as expressed in their resolution of March ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this thirty first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President :

LEWIS CASS, *Secretary of State.*

146

TREATY

BETWEEN

THE UNITED STATES

AND THE

WINNEBAGO TRIBE OF INDIANS.

CONCLUDED APRIL 15, 1859.

RATIFIED MARCH 23, 1861.



PROCLAMATION.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty was made and concluded at the city of Washington the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, Commissioner on the part of the United States, and the hereinafter named Chiefs and Delegates of the Winnebago tribe of Indians, they being duly authorized thereto by said tribe, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Washington city, on the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, Commissioner on the part of the United States, and the following-named Chiefs and Delegates, representing the Winnebago tribe of Indians, viz: Baptiste Lassalleur, Little Hill, Little De-Corie, Prophet, Wakon, Cono-hutta-kau, Big Bear, Rogue, Young Frenchman, One Horn, Yellow Banks, and O-o-kau, they being thereto duly authorized by said tribe.

ART. 1. The Winnebago Indians having now more lands than are necessary for their occupancy and use, and being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severalty, to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the eastern portion of their present reservation, embracing townships one hundred and six, (106,) and one hundred and seven, (107,) range twenty-four, (24,)

and one hundred and six, (106,) and one hundred and seven (107,) range twenty-five, (25,) and the two strips of land immediately adjoining them on the east and north, shall be set apart and retained by them for said purposes; and that out of the same there shall be assigned to each head of a family not exceeding eighty acres, and to each male person eighteen years of age and upwards, without family, not exceeding forty acres of land, to include, in every case, as far as practicable, a reasonable proportion of timber; one hundred and sixty acres of said retained lands in a suitable locality shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so

assigned, including those for the use of the agency, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be owned by the Winnebagoes in common; but in case of increase in the tribe, or other cause, rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment, in severalty, in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty, embraced within the said exterior boundary, shall constitute and be known as the Winnebago reservation, within and over which all laws passed or which may be passed by Congress regulating trade and intercourse with the Indian tribes shall have full force and effect. And no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation, without the written permission of the Superintendent of Indian Affairs, or of the agent for the tribe. Said division and assignment of lands to the Winnebagoes in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned, respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior; and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress.

Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations as he may deem necessary and expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and proper.

ART. 2. For the purpose of procuring the means of comfortably establishing the Winnebagoes upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion of their reservation not stipulated to be retained and divided, as aforesaid, shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder, for cash; the sales to be made upon sealed proposals to be duly invited by public advertisement. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and improvements. And if, after assigning to all the members of the tribe entitled thereto their proportions of land in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundary line of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and the proceeds thereof to be paid over to the Winnebagoes, or used and

applied for their benefit in such manner as he shall deem to be best for them.

ART. 3. The Winnebagoes being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their welfare and best interests that they shall be enabled to commence their new mode of life and pursuits free from the annoyance and embarrassment thereof, or which may be occasioned thereby, it is agreed that the same shall be liquidated and paid out of the fund arising from the sale of their surplus lands, so far as found valid and just on an examination thereof, to be made by their agent and the superintendent of Indian affairs for the Northern superintendency, subject to revision and confirmation by the Secretary of the Interior.

ART. 4. Should the proceeds of the surplus lands of the Winnebagoes not prove to be sufficient to carry out the purposes and stipulations of this agreement, and some further aid be, from time to time, requisite to enable said Indians to sustain themselves successfully in agricultural and other industrial pursuits, such additional means as may be necessary therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties; and so much thereof as may be required to furnish them further aid, as aforesaid, shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to promote and advance their improvement and welfare; and, in order to render unnecessary any further treaty engagements or arrangements hereafter

with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Winnebagoes in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interests.

ART. 5. The Winnebagoes, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their permanent settlement and their improvement and civilization, and to that end to induce all that are now separated from to rejoin and unite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages, and to induce them to come in and unite with their brethren; and, to enable them to do so and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for those purposes: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this agreement shall not be entitled to the benefit of any of its stipulations.

ART. 6. All the expenses connected with and incident to the making of this agreement, and the carrying out of its provisions, shall be defrayed out of the funds of the Winnebagoes.

In testimony whereof, the said Charles E. Mix, Commissioner as aforesaid, and the said Chiefs and Delegates of the Winnebago tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CHARLES E. MIX,

Commissioner.

BAPTISTE LASSALLEUR,

LITTLE HILL,

LITTLE DE-CORRIE,

PROPHET, (being sick, by his representative, Big Bear,)

[L. S.]

his x mark. [L. S.]

his x mark. [L. S.]

his x mark. [L. S.]

his x mark. [L. S.]

WAKON,	his x mark.	[L. S.]
CONO-HUTTA-KAU,	his x mark.	[L. S.]
BIG BEAR,	his x mark.	[L. S.]
ROGUE,	his x mark.	[L. S.]
YOUNG FRENCHMAN,	his x mark.	[L. S.]
ONE HORN,	his x mark.	[L. S.]
YELLOW BANKS,	his x mark.	[L. S.]
O-O-KAU,	his x mark.	[L. S.]

In presence of—

W. J. CULLEN, *Superintendent Indian Affairs.*
 CHARLES H. MIX, *United States Indian Agent for the Winnebagoes.*
 PETER MANAIZE, *United States Interpreter.*
 JOHN DOWLING.
 S. B. LOURY, *Interpreter.*
 D. CRAWFORD.
 JOSEPH R. BROWN, *Sioux Agent.*
 GEORGE H. HOLTZMAN.
 GEORGE L. OTIS.
 GEORGE CULVER.
 NATHAN MYRICK.
 HARRY H. YOUNG.
 HENRY FOSTER.
 ASA WHITE.

AND, WHEREAS, the said treaty, having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the sixteenth day of March, eighteen hundred and sixty-one, advise and consent to the ratification of the same, in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 16, 1861.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington city on the 15th day of April, 1859, between the United States and certain Chiefs and Delegates representing the Winnebago tribe of Indians.

Attest :

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixteenth of March, one thousand eight hundred and sixty-one, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and have signed the same with my hand.

Done at the city of Washington, this twenty-third day of March, in the year of our Lord one thousand eight hundred and sixty-one,
[L. s.] and of the independence of the United States the eighty-fifth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.



147

TREATY
BETWEEN
THE UNITED STATES
AND THE
SWAN CREEK AND BLACK RIVER CHIPPEWAS,
AND THE
MUNSEE OR CHRISTIAN INDIANS.

MADE JULY 16, 1859.

RATIFIED JULY 9, 1860.





BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Sac and Fox Agency on the sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and certain delegates hereinafter named representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the Sac and Fox agency, on this sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and the following named delegates representing the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, they being duly authorized thereto by said Indians, viz: Esh-ton-quit, or Francis McCoonse, Edward McCoonse, William Turner, Autwine Gokey, Henry Douchoe, Ignatius Caleb, and John Williams.

Whereas the Swan Creek and Black River band of Chippewas, of Kansas Territory, who were parties to the treaty of May 9, 1836, claim to be entitled to participate in the beneficial provisions of the subsequent treaty of August 2, 1855, under a misapprehension of the terms and conditions of said instrument, the provisions of which were only designed to embrace the Chippewas of Saginaw and that portion of the Chippewas of Swan creek and Black river who were then residing in Michigan; and whereas a reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, was set apart in Kansas Territory for the use of the Swan Creek and Black River band of Chippewas, in consideration of the cession and relinquishment of certain lands in the State of Michigan which were reserved for said

band of Indians by the 6th article of the treaty of November 17, 1807; and in view of the fact that a part of the aforesaid band, who now reside in the Territory of Kansas, have not received their full proportion of the benefits designed to have been conferred upon them by the provisions of the second article of the treaty of May 9, 1836, it is understood to be the intention of the United States, in the execution of these articles of agreement and convention, to manifest their liberality and disposition to encourage said Indians in agricultural pursuits, and, with a view to remove from their minds all erroneous impressions respecting the non-fulfilment of the stipulations of former treaties, a liberal provision will be made for their benefit as hereinafter expressed. It is further understood to be the intention of this instrument to unite

the Mnunsee or Christian Indians with the aforesaid band of Chippewas, in order to provide them with a suitable and permanent home, as contemplated by the act of Congress entitled "An act to confirm the sale of the reservation held by the Christian Indians, and to provide a permanent home for said Indians," approved June 8, 1858.

ARTICLE I. The United States agree that the reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, in Franklin county, Kansas Territory, set apart for the entire band of Swan Creek and Black River Chippewas, shall enure to the benefit of that portion of said band now residing thereon, and the United States shall cause said reservation to be surveyed into sections, half, quarter, and quarter quarter sections, in harmony with the public land system. For the purpose of securing a permanent home thereon for the band of Mnunsee or Christian Indians who have expressed a desire to unite with said band of Chippewas, it is agreed between the contracting parties to this instrument that the aforesaid lands of Indians are hereby united for their mutual advantage as herein indicated. And within said reservation there shall be assigned, in severalty, to the members of said united bands, not exceeding forty acres of land to each head of a family, and not exceeding forty acres to each child or other member of said family; forty acres to each orphan child, and eighty acres to each unmarried person of the age of twenty-one years and upwards, not connected with any family, to include in each case, so far as practicable, a reasonable proportion of timber; and the selections shall be so made as to respect the present improvements of the aforesaid Chippewas, so far as the same can be done consistently with the rights of the Christian Indians; and when it is found expedient to select lands for one Indian, embracing part of the improvements made by another, then, in such case, a reasonable compensation shall be made for such improvements by the Indian to whom they may be assigned by the party entitled to the

same, to be determined by the Secretary of the Interior, upon an investigation of the facts in the case. At a suitable point within said reservation there shall be set apart for the establishment of a manual labor school and educational and missionary purposes a quarter section of land, or one hundred and sixty acres; and the land so set apart, together with the tracts which may be assigned to the members of said united bands, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and also any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be held by said united bands in common; but in case of increase in the bands of said Indians, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in severalty, in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty embraced within said exterior boundary to include in the aggregate not exceeding seven sections, or four thousand eight hundred and eighty acres of land, shall constitute and be known as the Chippewa and Christian Indian reservation, within and over which all laws passed or which may be passed by Congress, regulating trade and intercourse with the Indian tribes, shall have full force and effect. And no white person, except such as may be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the Superintendent of Indian Affairs, or other person who may be intrusted with the management and control thereof. The aforesaid division and assignment of lands to the Indians shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commis-

sioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to the members of said bands of Indians, under such rules and regulations as may be prescribed by the Secretary of the Interior; and said lands shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress. Prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and expedient.

ARTICLE II. After all the selections and assignments hereinbefore specified shall have been made and approved, the residue of the land in the tract set apart for the use of the Swan Creek and Black River Chippewas, under the provisions of the fourth article of the treaty of May 9, 1836, which may not be embraced by the exterior boundary of the reduced reservation shall be appraised at a reasonable value, and the same shall be sold at public auction to the highest bidder, but no bid shall be received for a sum less than the appraised value, and the proceeds of sale, after deducting therefrom the expenses incident thereto, shall be regarded as belonging to the aforesaid band of Chippewas. The said band of Indians shall be allowed the sum of three thousand dollars out of the funds of the Christian Indians, as a consideration for the tracts of land which shall be assigned to the members of said band of Indians, and also the sum of six thousand dollars,

(to be taken from the Treasury of the United States) in full satisfaction of all claims and demands, legal, equitable, or otherwise, which the aforesaid band of Chippewas may have against the United States under the stipulations and provisions of former treaties, and these sums of money, together with the proceeds of the sales of the lands before mentioned, shall be invested in the manner hereinafter provided. And to enable the Secretary of the Interior to liquidate the allowance of the aforesaid sum of \$6,000, he is authorized, at his discretion, to dispose of the stock of the State of Missouri, purchased from avails of land sold under the treaty of 1836, and such a sum from interest accruing thereon, and of any balance of annuities now in the treasury of the United States, resulting from other treaties with said Indians.

ARTICLE III. For the purpose of comfortably establishing the Christian Indians upon the lands which shall be assigned to them in severalty, by building them houses, and furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, there shall be expended, under the direction of the Secretary of the Interior, (out of the aggregate sum of forty-three thousand four hundred dollars deposited in the Treasury of the United States by A. J. Isaacs, to the credit of said Secretary for the use of the Christian Indians,) a sum not exceeding twenty-three thousand dollars, and the balance of the aforesaid aggregate sum shall be mingled with the funds of the aforesaid band of Chippewas, and the moneys so mingled together shall constitute a joint fund, subject to the direction and control of the Secretary of the Interior. Two thousand dollars thereof shall be expended for the benefit of said united bands of Indians, in providing them with a school house, church building, and a blacksmith shop, and necessary fixtures, and the residue of said joint fund, after deducting therefrom all the expenses incident to the negotiation of this treaty, the survey and assignment

of the lands, the concentration of the Indians thereon, and all other necessary expenses, shall be invested in safe and profitable stocks, yielding an interest of not less than five per centum per annum; and said interest, as it becomes due, shall be applied, under the direction of the Secretary of the Interior, from time to time, for educational purposes, for the support of a blacksmith shop, and such other beneficial objects as he may adjudge to be necessary and expedient for the general prosperity and advancement of the aforesaid bands of Indians in the arts of civilized life.

ARTICLE IV. In consideration of the provisions contained in the several articles of this treaty, the aforesaid band of Swan Creek and Black River Chippewas hereby relinquish all claims and demands which they may have against the United States, under the stipulations of the treaty of November 17, 1807, and the treaty of May 9, 1836; and they hereby abandon and renounce any and all claims to participate in the provisions of the subsequent treaty of

August 2, 1855, and they receive the stipulations and provisions contained in these articles of agreement and convention, in full satisfaction of the terms and conditions of all former treaties, and release the United States from the payment of all claims of every character whatsoever.

ARTICLE V. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law, when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines of their roads necessarily pass through the lands of said Indians, shall have right of way on the payment of just compensation therefor in money.

ARTICLE VI. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said David Crawford, commissioner as aforesaid, and the undersigned delegates of the united bands of Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

DAVID CRAWFORD,		[L. S.]
<i>United States Commissioner.</i>		
ESH-TON-QUIT,	}	
Or		
FRANCIS McCOONSE,		his x mark. [L. S.]
EDWARD McCOONSE,		his x mark. [L. S.]
WILLIAM TURNER,		his x mark. [L. S.]
ANTWINE GOKEY,		his x mark. [L. S.]
HENRY DONOHUE,		[L. S.]
IGNATIUS CALEB,		[L. S.]
JOHN WILLIAMS,		[L. S.]

Signed and sealed in the presence of—

HUGH S. WALKER,
Secretary of Kansas Territory.

PERRY FULLER, *U. S. Agent.*

CYRUS F. CURRIER.

THOS. J. CONNOLLY, *U. S. Interpreter.*

And, whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the nineteenth day of April, one thousand eight hundred and sixty, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 19, 1860.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Sae and Fox agency, on the 16th day of July, 1859, by David Crawford, commissioner on the part of the United States, and certain delegates representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the nineteenth day of April, eighteen hundred and sixty, accept, ratify and confirm said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this ninth day of July, in the year
of our Lord one thousand eight hundred and sixty, and
[L. S.] of the independence of the United States of America the
eighty-fifth.

JAMES BUCHANAN.

By the President:

WM. HENRY TRESCOT, *Acting Secretary of State.*



148

TREATY
BETWEEN
THE UNITED STATES
AND THE
CONFEDERATED TRIBES
OF
SACS AND FOXES OF THE MISSISSIPPI.

MADE OCTOBER 1, 1859.

RATIFIED JULY 9, 1860.

THE HISTORY OF THE

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OF THE



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.
A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Sac and Fox Agency in the Territory of Kansas, on the first day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, Commissioner on the part of the United States, and certain chiefs and headmen hereinafter named representing the confederated tribes of Sacs and Foxes of the Mississippi, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the Sac and Fox Agency in the Territory of Kansas, on the first day of October, in the year of our Lord one thousand eight hundred and fifty-nine, by and between Alfred B. Greenwood, Commissioner on the part of the United States, and the following named chiefs and delegates, representing the confederated tribes of Sacs and Foxes of the Mississippi, viz.: Ke-o-kuk, Mack-a-sah-pee, Sha-bah-eaw-kah, Mat-tah-tah, My-ah-pit, Kaw-ah-kee, Kah-sha-moh-mee, Maw-mee-won-e-kah, and Che-ko-skuk, they being thereto duly authorized by said confederated tribes.

ARTICLE 1. The Sacs and Foxes of the Mississippi having now more lands than are necessary for their occupancy and use, and being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severalty, to the individual members of the tribe, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the portion of their present reservation contained within the following boundaries, that is to say: beginning at a point on the northern boundary line of their reservation, six miles west of the north-eastern corner of the same; running

thence due south, to the southern boundary of the same, twenty miles; thence west, and along said southern boundary, twelve miles; thence due north, to the northern boundary of said reservation, twenty miles; and thence east, along said boundary line, twelve miles, to the place of beginning—estimated to contain about one hundred and fifty-three thousand and six hundred acres—shall be set apart and retained by them for the purposes aforesaid.

ARTICLE 2. Out of the lands so set apart and retained, there shall be assigned to each member of said confederated tribe, without distinction of age or sex, a tract of eighty acres, to include, in every case, as far as practicable, a reasonable portion

of timber. One hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent for the time being of said confederated tribe; and one hundred and sixty acres shall also be reserved for the establishment and support of a school for the education of the youth of the tribe. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned by the Sacs and Foxes of the Mississippi in common; but, in case of increase in the tribe, or other cause, rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned or unassigned, embraced within said exterior boundary, shall constitute and be known as the reservation of the Sacs and Foxes of the Mississippi; and all laws which have been, or may be, passed by the Congress of the United States regulating trade and intercourse with Indian tribes shall have full force and effect over the same, and no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation, without the written permission of the superintendent of the central superintendency, or of the agent of the tribe.

ARTICLE 3. The division and assignment in severalty among the Sacs and Foxes of the Mississippi of the land heretofore reserved for that purpose shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs

for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased or otherwise disposed of, except to the United States, or to members of the Sac and Fox tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE 4. For the purpose of establishing the Sacs and Foxes of the Mississippi comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion of their present reservation, not stipulated to be retained and divided as aforesaid, shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder, for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, and the proceeds thereof to be expended, for the purposes hereinbefore recited, in such manner as the Secretary of the Interior may think proper. And should any of the tracts so to be sold have upon them

improvements of any kind which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and the improvements. And if, after assigning to all the members of the tribe entitled thereto their proportion of land in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior boundaries of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and to apply the proceeds of such sale to the purposes and in the mode hereinbefore provided with respect to that portion of their present reservation not retained for distribution.

ARTICLE 5. The Sacs and Foxes of the Mississippi being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their best interests that they should be allowed to commence their new mode of life, free from the embarrassments of debt, it is stipulated and agreed that debts which may be due and owing at the date of the signing and execution hereof, either by the said confederated tribes of Sacs and Foxes, or by individual members thereof, shall be liquidated and paid out of the fund arising from the sale of their surplus lands, so far as the same shall be found to be just and valid on an examination thereof, to be made by their agent and the superintendent of Indian affairs for the central superintendency, subject to revision and correction by the Secretary of the Interior.

ARTICLE 6. Should the proceeds of the surplus lands aforesaid prove insufficient to carry out the purposes and stipulations of this agreement, and further aid be, from time to time, requisite to enable the Sacs and Foxes of the Mississippi to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be necessary therefor shall

be taken from the moneys due and belonging to them under the provisions of former treaties; and so much of said moneys as may be required to furnish them further aid as aforesaid, shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Sacs and Foxes of the Mississippi in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interest.

ARTICLE 7. The Sacs and Foxes of the Mississippi, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and to that end to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages, and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them at the expense of the tribe as may be actually necessary for that purpose: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty shall not be entitled to the benefit of any of its stipulations.

ARTICLE 8. All the expenses connected with and incident to the making of this agreement, and the carrying out its provisions, shall be defrayed out of the funds of the Sacs and Foxes of the Mississippi.

ARTICLE 9. It is agreed that all roads

and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States; and railroad companies, when the lines pass through the lands of said Indians, shall have right of way on the payment of a just compensation therefor in money.

ARTICLE 10. The Sacs and Foxes of the Mississippi being anxious to make some suitable provision for their mixed and half bloods, and such of their women, (whole bloods,) who have intermarried with white men, it is agreed that there shall be assigned to the mixed and half bloods of their tribe, and to such whole blood females as have intermarried with white men, at the date of this agreement, three hundred and twenty acres each; the location and allotments of said lands to be made out of that portion relinquished by this treaty to the United States in trust, provided the mixed or half bloods, and such females of their tribes as have intermarried with white men, desire to do so. The allotments to such of the mixed or half bloods as may be minors to be made by the agent of the tribe, subject to the confirmation and approval of the Secretary of the Interior; and in allotting lands to those provided for in this article,

said allotments shall be made so as to include their improvements, (if any,) provided it can be done, and at the same time make said allotments conform to the public surveys. And it is further agreed between the parties to this agreement that Thomas Connelly, a half-breed, and a member of the tribe, who has been uniformly kind to his people, shall be permitted to so locate his three hundred and twenty acres as to include Randal's dwelling and trading-house, if it can be done so as to harmonize with the public surveys; and provided the said Connelly shall pay to the owner of said improvements a fair valuation therefor. The lands granted by this article shall remain inalienable except to the United States or members of the tribe, nor shall the mixed or half bloods, or such females as have intermarried with white men, participate in the proceeds of the lands herein ceded.

ARTICLE 11. The United States also agree to cause to be paid to the tribe any funds that may have heretofore been withheld under the provisions of the 5th article of the treaty of 1842, the same to be expended for their benefit, or paid in money, as the Secretary may direct.

ARTICLE 12. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Alfred B. Greenwood, Commissioner as aforesaid, and the said Chiefs and Delegates of the Sacs and Foxes of the Mississippi, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

ALFRED B. GREENWOOD, [L. S.]

Sacs.

KE-O-KUK,	his x mark.	[L. S.]
MACK-AH-SAH-PEE,	his x mark.	[L. S.]
SHAW-PAH-CAW,	his x mark.	[L. S.]
MAT-TAH-TAH,	his x mark.	[L. S.]
MY-AH-PIT,	his x mark.	[L. S.]
KAW-AH-KEE,	his x mark.	[L. S.]

Foxes.

KA-SHA-MAH-ME,	his x mark.	[L. S.]
MAW-ME-WONE-CAH,	his x mark.	[L. S.]
CHE-CO-SKUK,	his x mark.	[L. S.]

In presence of—

PERREY FULLER, *U. S. Agent.*

THOS. J. CONNOLLY, *U. S. Interpreter.*

G. BAILEY, *Secretary to Comm'r.*

J. M. LUCE.

H. S. RANDALL.

JOHN GOODELL.

And, whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twenty-seventh day of June, eighteen hundred and sixty, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 27, 1860.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the Sac and Fox agency, in the Territory of Kansas, on the first day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, Commissioner on the part of the United States, and certain chiefs and headmen representing the confederated tribes of Sacs and Foxes of the Mississippi.

Attest:

ASBURY DICKINS, *Secretary.*

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in the resolution of the twenty-seventh day of June, eighteen hundred and sixty, accept, ratify, and confirm said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this ninth day of July, in the year of our Lord one thousand eight hundred and sixty, and of the
[L. s.] independence of the United States of America, the eighty-fifth.

JAMES BUCHANAN.

By the President:

WM. HENRY TRESCOT, *Acting Secretary of State.*



TREATY

BETWEEN THE

UNITED STATES OF AMERICA

AND THE

KANSAS TRIBE OF INDIANS.

CONCLUDED OCTOBER 5, 1859.
RATIFIED NOVEMBER 17, 1860.





JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, Commissioner on part of the United States, and the hereinafter named chiefs and headmen representing the Kansas tribe of Indians, being authorized by said tribe, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, by and between Alfred B. Greenwood, Commissioner on the part of the United States, and the following named chiefs and headmen representing the Kansas tribe of Indians, to wit: Ke-hi-ga-nah Chieffe, Ish-tal-a-sa, Ne-hoo-ga-in-gah, Ki-hi-ga-wat-te-in-gah, Ke-he-gah-cha-Al-li-ea-wah-ho, Pah-hous-ga-tin-gah, Ke-bah-lah-sa-hu, Ki-ha-gah-chu, Ee-le-Lum-gah, Wah-pate-jah, Ko Lal, Mun-goe, Oo-ga-shama, Wat Shunga, Wat-tunga, Wiclaga, Pa-ha-ne-ga-la, Pa-ta-go, Cahulle, Ma-she-tum, Wa-no-ba-ga-ha, She-ga-wa-sa, Ma-his-pa-wa-cha, Ma-shon-o-pusha, Ja-ha-sha-watanga, Ki-he-ga-tussœ, and Ka-la-sha-wat-lumga, they being thereto duly authorized by said tribe.

ARTICLE 1st. The Kansas Indians having now more lands than are necessary for their occupation and use, and being desirous of promoting settled habits of industry amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the members of their tribe, owning an interest in their present reservation, to be cultivated and improved for their individual use and benefit, it is agreed and stipulated that that portion of their reservation commencing at the southwest corner of said

reservation, thence north with the west boundary nine miles, thence east fourteen miles, thence south nine miles, thence west with the south boundary fourteen miles to the place of beginning, shall be set apart and retained by them for said purposes, and that out of the same there shall be assigned to each head of a family not exceeding forty acres, and to each member thereof not exceeding forty acres, and to each single male person of the age of twenty-one years and upwards not exceeding forty acres of land, to include in every case, as far as practicable, a reasonable

proportion of timber. One hundred and sixty acres of said retained lands, in a suitable locality, shall also be set apart and appropriated to the occupancy and use of the agency of said Indians, and one hundred and sixty acres of said lands shall also be reserved for the establishment of a school for the education of the youth of the tribe.

ARTICLE 2d. The lands to be so assigned, including those for the use of the agency, and those reserved for school purposes, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. Any such intermediate parcels of land and water shall be owned by the Kansas tribe of Indians in common, but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior shall prescribe and direct. The whole of the lands assigned or unassigned in severalty, embraced within the said exterior boundary, shall constitute and be known as the Kansas Reservation, within and over which all laws passed, or which may be passed by Congress, regulating trade and intercourse with the Indian tribes, shall have full force and effect. And no white person, except such as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the Superintendent of Indian Affairs, or of the agent for the tribe.

ARTICLE 3d. Said division and assignment of lands to the Kansas tribe of Indians in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively and that they are

for the exclusive use and benefit of themselves, their heirs and descendants, and said tracts shall not be alienated in fee, leased or otherwise disposed of, except to the United States or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior; and they shall be exempt from taxation, levy, sale or forfeiture, until otherwise provided by Congress, prior to the issue of said certificates, the Secretary of the Interior shall make such rules and regulations, as he may deem necessary and expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as in his judgment may be necessary and proper.

ARTICLE 4th. For the purpose of procuring the means of comfortably establishing the Kansas tribe of Indians upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the lands embraced in that portion not stipulated to be retained and divided as aforesaid shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder for cash, the sale to be made upon sealed proposals to be duly invited by public advertisement, and should any of the tracts so to be sold have upon them improvements of any kind, which were made by or for the Indians, or for government purposes, the proposals therefor must state the price for both the land and improvements, and if, after assigning to all the members of the tribe entitled thereto, their proportions in severalty, there shall remain a surplus of that portion of the reservation retained for that purpose, outside of the exterior

boundary line of the lands assigned in severalty, the Secretary of the Interior shall be authorized and empowered, whenever he shall think proper, to cause such surplus to be sold in the same manner as the other lands to be so disposed of, and the proceeds thereof to be expended for their benefit in such manner as the Secretary of the Interior may deem proper.

ARTICLE 5th. The Kansas tribe of Indians being anxious to relieve themselves from the burden of their *present* liabilities, and it being very essential to their welfare that they shall be enabled to commence their new mode of life and pursuits free from the annoyance and embarrassment thereof, or which may be occasioned thereby, it is agreed that the same shall be liquidated and paid out of the fund arising from the sale of their surplus lands so far as found valid and just, (if they have the means,) on an examination thereof, to be made by their agent and the Superintendent of Indian Affairs for the central superintendency, subject to revision and confirmation by the Secretary of the Interior.

ARTICLE 6th. Should the proceeds of the surplus lands of the Kansas tribe of Indians not prove to be sufficient to carry out the purposes and stipulations of this agreement, and some further aid be necessary, from time to time, to enable said Indians to sustain themselves successfully in agricultural and other industrial pursuits, such additional means may be taken, so far as may be necessary, from the moneys due and belonging to them under the provisions of former treaties, and so much thereof as may be required to furnish further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to promote and advance their improvement and welfare.

ARTICLE 7th. In order to render unnecessary any further treaty engagements or arrangement hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the

provisions of former treaties with the Kansas tribe of Indians in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interest.

ARTICLE 8th. All the expenses connected with and incident to the making of this agreement, and the carrying out its provisions, shall be defrayed out of the funds of the Kansas tribe of Indians.

ARTICLE 9th. The Kansas tribe of Indians being desirous of manifesting their good will towards the children of their half-breed relatives now residing upon the half-breed tract on the north side of the Kansas river, agree that out of the tract retained by this agreement there shall also be assigned, in severalty, to the eight children of Julia Pappan forty acres each, to the three children of Adel Bellnard, to the four children of Jasette Gouville, to the child of Lewis Pappan, to the four children of Pelagia Obrey, to the child of Acaw Pappan, to the two children of Victoria Pappan, to the two children of Elizabeth Carboneau, to the child of Victoria Williams, to the child of Joseph Butler, to the child of Joseph James, to the two children of Pelagia Pushall, Frank James, and Batest Gouville forty acres each, but the land so to be assigned under this article shall not be alienated in fee, leased, or otherwise disposed of, except to the United States or to other members of the tribe, under such regulations as may be prescribed by the Secretary of the Interior.

ARTICLE 10th. It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States, and railroad companies, when the lines pass through the lands of said Indians, shall have right of way on the payment of just compensation therefor in money.

ARTICLE 11th. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said Alfred B. Greenwood, commissioner as aforesaid, and the said chiefs and headmen of the Kansas tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

In presence of [the words *upon the lands* and the word *pursuits*, upon 5th page, interlined before signing]—

MILTON C. DICKNEY, *U. S. Indian Agent*,

JOSEPH JAMES, *U. S. Interpreter*,

JOHN GOODELL,

FRANK LECOMPTÉ.

ALFRED B. GREENWOOD.

[L. S.]

Ki-he-ga-wah-chuffee,	his x mark	[L. S.]
Ish-tal-a-sa,	his x mark	[L. S.]
Nee-hoo-ja-in-ga,	his x mark	[L. S.]
Ki-hi-ga-wat-te-in-ga,	his x mark	[L. S.]
Ki-he-gah-cha,	his x mark	[L. S.]
Al-li-cah-wah-ho,	his x mark	[L. S.]
Pah-hous-ga-tun-gah,	his x mark	[L. S.]
Ke-hah-lah-la-hu,	his x mark	[L. S.]
Ee-he-sun-gah,	his x mark	[L. S.]
Ko-sah-mungee,	his x mark	[L. S.]
Wab-pa-job,	his x mark	[L. S.]
Oo-gah-sha-ma,	his x mark	[L. S.]
Wah-shun-ga,	his x mark	[L. S.]
Wah-ti-in-ga,	his x mark	[L. S.]
Sha-kep-pah,	his x mark	[L. S.]
Oo-go-sha-ma,	his x mark	[L. S.]
Wah-e-loh-ga,	his x mark	[L. S.]
Pa-ha-ne-ga-li,	his x mark	[L. S.]
Pa-ta-go-hulle,	his x mark	[L. S.]
Ma-she-tum-wa,	his x mark	[L. S.]
No-ca-ga-ha,	his x mark	[L. S.]
She-ga-wa-sa,	his x mark	[L. S.]
Ma-his-pa-wa-cha,	his x mark	[L. S.]
Ma-shone-o-pusha,	his x mark	[L. S.]
Ja-ha-sha-watunga,	his x mark	[L. S.]
Ki-he-ga-tussa,	his x mark	[L. S.]
Ka-la-sha,	his x mark	[L. S.]

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-seventh day of June, one thousand eight hundred and sixty, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 27, 1860.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the article of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen representing the Kansas tribe of Indians, with the following amendment:

At the end of the 4th article add the following:

Provided, That all those who had in good faith settled and made improvements upon said reservation prior to the second day of December, eighteen hundred and fifty-six, (that being the day when the survey was certified by the agent of the tribe,) and who would have been entitled to enter their improvements under any general or special pre-emption law, (had their improvements not fallen within the reservation,) such settlers shall be permitted to enter the improvements at the sum of one dollar and seventy-five cents per acre, in cash; said entries to be made in legal sub-divisions and in such quantities as the pre-emption laws under which they may claim entitle them to locate: payments to be made on or before a day to be named by the Secretary of the Interior: *And provided, further*, That all those who had in good faith settled upon that portion of the reservation retained by this treaty for the future homes of the Kansas tribe of Indians, and had made *bona fide* improvements thereon prior to the second day of December, eighteen hundred and fifty-six, aforesaid, and who would have been entitled to enter their lands, under the general pre-emption law, at one dollar and twenty-five cents per acre, had their improvements not fallen upon the reservation, such settlers shall be entitled to receive a fair compensation for their improvements, to be ascertained by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior; such compensation to be paid out of the proceeds of the lands sold in trust for said tribe of Indians. All questions growing out of this amendment, and rights claimed in consequence thereof, shall be determined by the Commissioner of Indian Affairs, to be approved by the Secretary of the Interior. And in all cases where licensed traders, or others lawfully there, may have made improvements upon said reservation, the Secretary of the Interior shall have power to adjust the claims of each upon fair and equitable terms, they paying a fair value for the lands awarded to such persons, and shall cause patents to issue in pursuance of such award.

Attest: ASBURY DICKINS, *Secretary*.

And whereas the foregoing amendment having been fully interpreted and explained to the aforesaid chiefs and headmen of the Kansas tribe, they did, on the fourth day of October, one thousand eight hundred and sixty, at the Kansas agency, in the Territory of Kansas, agree to and ratify the same, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the 27th day of June, A. D. 1860, advise and consent to the ratification of the "articles" of agreement and convention made and concluded at the Kansas agency, in the Territory of Kansas, on the fifth day of October, eighteen hundred and fifty-nine, between Alfred B. Greenwood, commissioner on the part of the United States, and certain chiefs and headmen representing the Kansas tribe of Indians, with the following

AMENDMENT, VIZ:

At the end of the 4th article add the following: *Provided*, That all those who had, in good faith, settled and made improvements upon said reservation, prior to the 2d day of December, eighteen hundred and fifty-six, (that being the day when the survey was certified by the agent of the tribe,) and who would have been entitled to enter their improvements under any general or special pre-emption law, (had their improvements not fallen within the reservation,) such settlers shall be permitted to enter their improvements at the sum of one dollar

and seventy-five cents per acre, in cash; said entries to be made in legal subdivisions, and in such quantities as the pre-emption laws under which they may claim entitle them to locate; payments to be made on or before a day to be named by the Secretary of the Interior: *And provided, further,* That all those who had in good faith settled upon that portion of the reservation retained by this treaty for the future homes of the Kansas tribe of Indians, and had made *bona fide* improvements thereon prior to the second day of December, eighteen hundred and fifty-six, aforesaid, and who would have been entitled to enter their lands under the general pre-emption law at one dollar and twenty-five cents per acre, had their improvements not fallen upon the reservation, such settlers shall be entitled to receive a fair compensation for their improvements, to be ascertained by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior; such compensation to be paid out of the proceeds of the lands sold in trust for said tribe of Indians. All questions growing out of this amendment, and rights claimed in consequence thereof, shall be determined by the Commissioner of Indian Affairs, to be approved by the Secretary of the Interior. And in all cases where licensed traders, or others lawfully there, may have made improvements upon said reservation, the Secretary of the Interior shall have power to adjust the claims of each upon fair and equitable terms, they paying a fair value for the lands awarded to such persons, and shall cause patents to issue in pursuance of such award.

We, the undersigned, chiefs and headmen, representing the Kansas tribe of Indians, having heard the foregoing amendment read, and same having been fully explained to us by our agent, do hereby agree and ratify the same.

Done at Kansas agency this fourth day of October, A. D. 1860.

Signed in the presence of—

M. C. DECKEY, *U. S. Sub-Agent,*
A. B. GREENWOOD, *Commissioner,*
HUGH L. WALSH,
D. S. HUFFAKER, *Interpreter.*

Ki-he-ga-wah-choffee,	his x mark	[L. s.]
Ish-tal-a-la,	his x mark	[L. s.]
Nee-hoo-ja-in-ga,	his x mark	[L. s.]
Ki-hi-ga-wat-te-inga,	his x mark	[L. s.]
Ki-he-gah-cha,	his x mark	[L. s.]
Al-li-cah-cah-wah-ho,	his x mark	[L. s.]
Pah-hons-ga-tun-gab,	his x mark	[L. s.]
Ke-boh-lah-la-hu,	his x mark	[L. s.]
Ec-be-sum-gah,	his x mark	[L. s.]
Wa-pah-gah,	his x mark	[L. s.]
Wah-tah-in-goh,	his x mark	[L. s.]
Shoh-kip-pah,	his x mark	[L. s.]
Oo-ga-sha-ma,	his x mark	[L. s.]
Wah-e-lah-ga,	his x mark	[L. s.]
Pa-ha-me-goh,	his x mark	[L. s.]
Pa-ta-go-hulle,	his x mark	[L. s.]
Ma-she-tum-wa,	his x mark	[L. s.]
Ni-ha-ga-ha,	his x mark	[L. s.]
She-ga-wa-sa,	his x mark	[L. s.]
Ma-his-pa-naeba,	his x mark	[L. s.]
Ma-shon-o-pusha,	his x mark	[L. s.]
Cha-ha-sha-watunga,	his x mark	[L. s.]
Ki-he-ga-tussa,	his x mark	[L. s.]
Ka-wa-le-sha,	his x mark	[L. s.]
Wah-huna-a-sha,	his x mark	[L. s.]
Wuna-sum-fah,	his x mark	[L. s.]
Les-u-sha,	his x mark	[L. s.]

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-seventh day of June, one thousand eight hundred and sixty, accept, ratify, and confirm said treaty with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

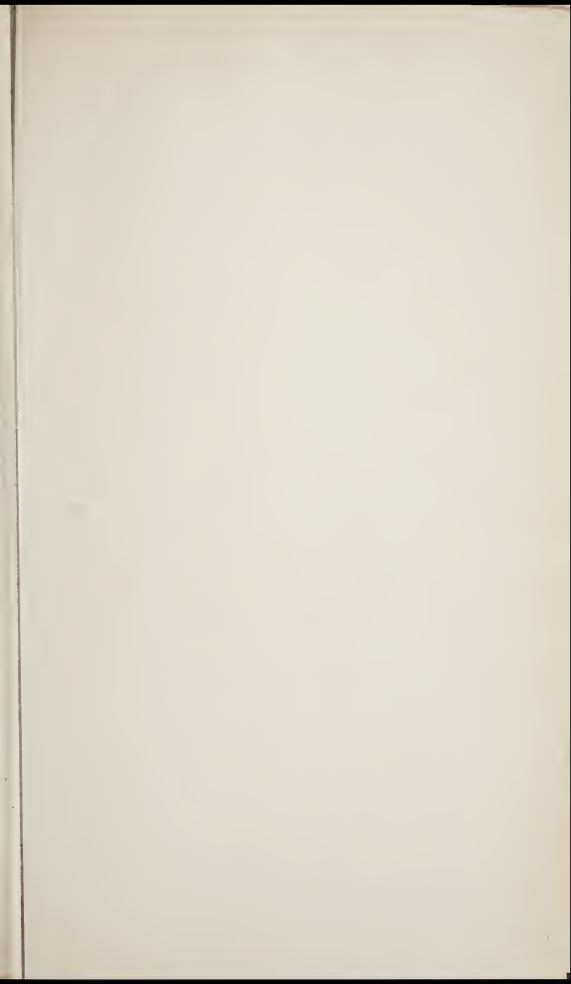
Done at the city of Washington, this seventeenth day of November, in the year of our Lord one thousand eight hundred and sixty,
[SEAL.] and of the independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State*.





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